

## Extra Ordinary Part-V / 2018

Extra No.	Date	Department
Extra No.1	12-02-2018	Legislative & Parliamentary Affairs Department
Extra No.2	12-02-2018	Legislative & Parliamentary Affairs Department
Extra No.3	14-02-2018	Legislative & Parliamentary Affairs Department
Extra No.4	19-02-2018	Legislative & Parliamentary Affairs Department
Extra No.5	21-02-2018	Legislative & Parliamentary Affairs Department
Extra No.6	22-02-2018	Legislative & Parliamentary Affairs Department
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Extra No.15	08-03-2018	Legislative & Parliamentary Affairs Department
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Extra No.24	09-03-2018	Legislative & Parliamentary Affairs Department
Extra No.25	09-03-2018	Legislative & Parliamentary Affairs Department
Extra No.26	15-03-2018	Legislative & Parliamentary Affairs Department
Extra No.27	20-03-2018	Legislative & Parliamentary Affairs Department
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Extra No.35	23-03-2018	Legislative & Parliamentary Affairs Department
Extra No.36	10-09-2018	Legislative & Parliamentary Affairs Department
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Extra No.38	10-09-2018	Legislative & Parliamentary Affairs Department
Extra No.39	12-09-2018	Legislative & Parliamentary Affairs Department
Extra No.40	12-09-2018	Legislative & Parliamentary Affairs Department
Extra No.41	15-09-2018	Legislative & Parliamentary Affairs Department
Extra No.42	15-09-2018	Legislative & Parliamentary Affairs Department
Extra No.43	18-09-2018	Legislative & Parliamentary Affairs Department



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# The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LIX ]

MONDAY, FEBRUARY 12, 2018/MAGHA 23, 1939

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent to the speaker given under the proviso to rule 127-A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT MONEY-LENDERS (AMENDMENT) BILL, 2018.

#### GUJARAT BILL NO. 1 OF 2018.

#### *A BILL*

*further to amend the Gujarat Money-Lenders Act, 2011.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Money-Lenders (Amendment) **Short title and commencement.**  
Act, 2018.

(2) It shall be deemed to have come into force on the 13<sup>th</sup> November, 2017.

**Amendment of  
section 17 of  
Guj.14 of 2011.**

**2.** In the Gujarat Money-Lenders Act, 2011 (hereinafter referred to as “the principal Act”), in section 17, in sub-section (2), for the words “village panchayat”, the words “Gram Sabha” shall be substituted.

**Guj.14  
of 2011.**

**Repeal and  
savings.**

**3.** (1) The Gujarat Money-Lenders (Amendment) Ordinance, 2017 is hereby repealed.

**Guj. Ord. 3  
of 2017.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

**STATEMENT OF OBJECTS AND REASONS**

The State Government has enacted the Gujarat Money-Lenders Act, 2011 to regulate the transactions of money lending in the State. It is experienced while administering the said Act that certain provisions of the Acts are required to be amended suitably so as to remove the hardships being faced by the money-lenders.

Sub-section (2) of section 17 of the said Act provides that no money lender shall lend any money to a member of the Scheduled Tribes residing in the Scheduled Areas of the State as referred to in clause (1) of article 244 of the Constitution of India, without previous sanction of Village Panchayat of that village. Whereas under the provisions of section 4(m)(v) of the Panchayats (Extension to Scheduled Areas) Act, 1996, the said powers have been delegated to the Panchayats at an appropriate level as also to the Gram Sabha. The State Government has also framed the Gujarat Provisions of the Panchayats (Extension to the Scheduled Areas) Rules, 2017 wherein rule 40 empowers the Peace Committee of the *Gram Sabha* to control over money lending transactions in the village.

It is, therefore, considered necessary to amend the said sub-section (2) of section 17 of the said Act so as to empower the *Gram Sabha* to grant its sanction for lending money to a member of the Scheduled Tribes.

As the Legislative Assembly of the State of Gujarat was not in session, at that time, the Gujarat Money-Lenders (Amendment) Ordinance, 2017 was promulgated to achieve the aforesaid object. This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

Dated the 9<sup>th</sup> February, 2018.

**ISHWARSINH PATEL.**

Gandhinagar.

Dated the 12<sup>th</sup> February, 2018.

**K. M. LALA,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.



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The Following Bill is published with the consent of the speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT ROAD SAFETY AUTHORITY BILL, 2018.

### GUJARAT BILL NO. 2 OF 2018.

### A BILL

*to provide for the constitution of a Road Safety Authority for the implementation of road safety programmes in the State and to act as a lead agency for road safety; for the establishment of road safety fund and for matters connected therewith and incidental thereto.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Road Safety Authority Act, 2018. **Short title and commencement.**

(2) It shall be deemed to have come into force on the 3<sup>rd</sup> October, 2017.

**Definitions.****2.**

(1) In this Act, unless the context otherwise requires, -

- (a) “accident” means any incident wherein on account of the use of a motor vehicle on a public road, death, bodily injury or damage is caused to any person or property, as the case may be;
- (b) “Authority” means the Gujarat Road Safety Authority constituted under section 3;
- (c) “Chairman” means the Chairman of the Authority or of the Executive Committee, as the case may be;
- (d) “Enforcement officer” means the Enforcement Officer appointed under this Act and includes the Chief Enforcement Officer or, as the case may be, the Deputy or Regional Enforcement Officer;
- (e) “Executive Committee” means the Executive Committee of the Authority constituted under section 8;
- (f) “Fund” means the Gujarat Road Safety Fund constituted under section 10;
- (g) “Local authority” means,-

**Bom. LIX of  
1949.**

- (i) a Municipal Corporation constituted under the Gujarat Provincial Municipal Corporations Act, 1949;

**Guj. 34 of  
1964.**

- (ii) a Municipality constituted under the Gujarat Municipalities Act, 1963;

**Guj. 18 of  
1993.**

- (iii) a Panchayat constituted under the Gujarat Panchayats Act, 1993;

- (h) “public road” shall include any road to which public have access ; and also the traffic island medians and footpath;
- (i) “prescribed” means prescribed by rules made under this Act;
- (j) “regulations” means the regulations made under section 35;

- (k) “Road Safety Commissioner” means any officer appointed by the State Government to perform the functions of the Commissioner of Road Safety under this Act and the rules made thereunder and includes a Joint Road Safety Commissioner and the Deputy Road Safety Commissioner;
- (l) “State, District or City Road Safety Committee” means the State, District or, as the case may be, the City Road Safety Council or Committee constituted under section 215 of the Motor Vehicles Act, 1988; **59 of 1988.**
- (m) “vehicle” means vehicles or motor vehicles as defined in the Motor Vehicles Act, 1988 and includes any device used or capable of being used for the carriage of movement of human beings, animals or goods; **59 of 1988.**
- (n) “victim” means a victim of an accident.
- (2) Words and expressions used but not defined in this Act shall have meanings respectively assigned to them in the Motor Vehicles Act, 1988 and the Gujarat Motor Vehicles Tax Act, 1958. **59 of 1988. Bom. LXV of 1958.**
- 3.** (1) The State Government may, by notification in the *Official Gazette*, constitute, with effect from such date as may be specified therein, an authority to be called “the Gujarat Road Safety Authority (GUJROSA)”. **Constitution of Gujarat Road Safety Authority.**
- (2) The Authority shall be a body corporate by the name as aforesaid, having perpetual succession and a common seal, with powers subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable and to contract and shall, by the said name, sue and be sued.
- (3) The Authority shall consist of the following members, namely:-
- (i) the Minister for Transport, who shall be the Chairman of the Authority;



- (ii) the Secretary to the Government of Gujarat, Transport Department, who shall be the Vice-chairman of the Authority;
- (iii) the Secretary to the Government of Gujarat, Home Department;
- (iv) the Secretary to the Government of Gujarat, Health and Family Welfare Department;
- (v) the Secretary to the Government of Gujarat, Education Department;
- (vi) the Secretary to the Government of Gujarat, Roads and Buildings Department;
- (vii) the Director General of Police, Gujarat State;
- (viii) the Managing Director, Gujarat State Road Transport Corporation (GSRTC);
- (ix) the Municipal Commissioner of Ahmedabad Municipal Corporation;
- (x) the Chief Engineer, National Highway Authority of India (NHAI);
- (xi) the Chairman, Western India Automobile Association (WIAA);
- (xii) the Commissioner of Transport, Gujarat State;
- (xiii) two persons who are experts in the field of road safety, to be nominated by the State Government;
- (xiv) the Chief Enforcement Officer, who shall be the Member-Secretary of the Authority.

(4) The Chief Road Safety Commissioner shall be the Chief Executive Officer of the Authority and thereby he shall be the head of the staff of the Authority.

**Functions of  
Authority.**

**4.** (1) The Authority shall discharge the following functions, namely:-

- (a) to act as a lead agency of the State for Road Safety;

- (b) to advise the State Government on road safety policies;
- (c) to implement the National Road Safety Policy and the Gujarat Road Safety Policy;
- (d) to work as a secretarial for the State Road Safety Council, arrange meetings of the Council issue its Minutes and monitor the implementation of the decision of the Council by the concerned Departments of the State.
- (e) to co-ordinate with the concerned Departments of the State Government to ensure implementation of the directions issued from time to time by the Supreme Court Committee on Road Safety and furnish compliance report in a time bound manner;
- (f) to implement the directions and recommendations issued from time to time by the Central Government, State Government, Hon'ble courts or the World Health Organization regarding Road Safety;
- (g) to notify annual targets for reduction of accidents and fatalities as fixed by the State and draw up an Annual Action Plan to achieve the targets and monitor its implementation;
- (h) to collect on a regular basis data on road accidents and analyze the data to identify areas / road stretched and categories of accident victims;
- (i) to direct the Government Departments, State Road Safety Council, District and City Road Safety Committee and other persons regarding road safety;
- (j) to implement the directions of the Supreme Court Committee on Road Safety;
- (k) to co-ordinate with the Road Safety Committee;
- (l) to co-ordinate the cases relating to principle of no fault;
- (m) to prescribe and enforce road safety standards and procedures;

- (n) to formulate schemes, projects and programmes relating to road safety;
- (o) to co-ordinate the work relating to road safety with all public or private institutions, NGOs, concerned agencies and departments;
- (p) to facilitate implementation of road safety programmes by various means or media;
- (q) to administer the Fund and ensure that the Fund is effectively utilized;
- (r) to take appropriate decisions for efficient administration and management of the Authority, and to formulate policies for the code of conduct, disciplinary actions, grievance redressal mechanism and all other required policies and guidelines for the day to day smooth working for the road safety;
- (s) to provide and arrange for training programmes and to organize conferences, seminars, workshops, celebration activities and all such other activities for the purpose of capacity augmentation of the manpower working in the field of road safety;
- (t) to publish and finance specific research in relevant fields and to publish relevant papers, reports, books, journals, periodicals and newsletters covering the activities of the Authority;
- (u) to enter into agreement with research agencies/institutes/universities engaged in the field of road safety at international/national level or like institutions in specialized areas pertaining to the activities of authority for exchange of professionals, study tours, training seminars and workshops, conducting joint projects, technical assistance in the field of road safety.
- (v) to co-operate or collaborate with other institutions having objects similar to the Authority;

- (w) to establish and maintain a library, provide reading, reference and research facilities and cater to the needs of students, practitioners and researchers particularly in the field of road safety;
- (x) to receive, manage and disburse the funds and maintain the accounts for the funds received;
- (y) to make regulations for conduct and management of the affairs of the Authority and to add, amend, vary or rescind them from time to time;
- (z) to sanction expenditure for the implementation of road safety schemes and programmes;
- (za) to sanction expenditure for road safety projects and for purchase and installation of equipments and devices connected with road safety;
- (zb) to sanction financial assistance to organizations and institutions working in the field of road safety;
- (zc) to sanction expenditure for the conduct of studies, projects and research on matters relating to road safety;
- (zd) to extend assistance to the victims of accidents;
- (ze) to sanction expenditure for trauma-care programmes or activities;
- (zf) to sanction administrative expenditure of the Authority;
- (zg) to sanction expenditure on matters connected with road safety measures;
- (zh) to oversee the implementation of all laws relating to road safety such as helmet, seat belt, etc.;
- (zi) to oversee the action to prevent the vehicles from being driven on the road without third party insurance;
- (zj) to discharge such other functions, as may be prescribed, having regard to the objects of this Act.

(2) The Authority shall be empowered to pass necessary orders to ensure the compliance of above mentioned function or functions.

**Meetings of Authority.**

5. (1) The Authority shall meet at such time and place and shall follow such rules of procedure for transaction of business of the meeting as the Chairman may decide.
- (2) Every meeting of the Authority shall be presided over by the Chairman or in his absence, by the Vice-Chairman.
- (3) The quorum for a meeting of the Authority shall be five.
- (4) The meeting of the Authority may be held at least once in six months.
- (5) Every matter to be decided by the Authority shall be considered and disposed of at the meetings of the Authority in accordance with the decision of the majority of the members present. The Chairman or the presiding Vice-Chairman shall have the casting vote.
- (6) No act or proceedings of the Authority shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Authority.

**Officers and employees of Authority.**

6. The State Government shall, for the purpose of carrying into the effect the provisions of this Act, provide to the Authority, such number of officers and employees as may be necessary for the efficient performance of the functions of the Authority under this Act as expeditiously as possible and the terms and conditions of service of officers and employees shall be such as may be prescribed by the State Government.

**Salaries and allowances.**

7. The salaries and allowances payable to the non-official members of the Authority and administrative expenses including the salaries and allowances payable to the officers and other employees shall be paid in the manner as may be prescribed by the State Government out of the grants made to the Authority under this Act:

Provided that the Authority shall be empowered to determine salaries and allowances as well as service conditions, eligibility conditions in case of contractual employees with the approval of the Government from time to time:

Provided further that the Authority shall follow employment recruitment procedure framed by it and approved by the State Government from time to time.

8. (1) There shall be an Executive Committee for the Authority consisting of the following members, namely:-

**Executive  
Committee.**

- (a) the Secretary to the Government of Gujarat, Transport Department, who shall be the Chairman;
- (b) the Transport Commissioner, who shall be the Vice-Chairman;
- (c) the Commissioner of Health, Gujarat State;
- (d) the Commissioner of Primary Education, Gujarat State;
- (e) the Inspector General of Police (Traffic);
- (f) the Chief Engineer (Roads and Bridges);
- (g) the Chief Engineer (National Highways);
- (h) the Joint Commissioner of Traffic, Ahmedabad city;
- (i) the Deputy Municipal Commissioner, Ahmedabad Municipal Corporation;
- (j) the Regional Transport Officer, Ahmedabad;
- (k) the Joint Director, the Commissioner of Transport or, as the case may be, the Officer on Special Duty;
- (l) the Deputy Enforcement Officer, who shall be the Member-Secretary;
- (m) two experts from the field of road safety education and emergency care, as may be nominated by the Authority.

(2) Subject to such restrictions, conditions and limitations as may be imposed by the Authority, the Executive Committee shall exercise such powers and discharge such functions of the Authority as may be delegated to it by the Authority.

(3) The Executive Committee shall be responsible for implementing the decisions of the Authority.

**Meetings of  
Executive  
Committee.**

9. (1) The Executive Committee shall meet at such time and such place as the Chairman of the Executive Committee may decide and shall observe such rules of procedure in relation to transaction of its business at the meetings, as may be made by the resolution.

(2) Every meeting of the Executive Committee shall be presided over by the Chairman or in his absence, by the Vice-Chairman.

(3) The Executive Committee may meet at least once in two months or sooner, as may be decided by the Chairman of the Executive Committee.

(4) The quorum for meeting of Executive Committee shall be five.

(5) Every matter to be decided by the Executive Committee shall be considered and disposed of at the meeting of the Executive Committee in accordance with the decision of the majority of the members present and voting. The Chairman shall have the casting vote.

(6) No act or proceedings of the Executive Committee shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Executive Committee.

**Establishment  
of Fund.**

10. (1) As soon as may be after the constitution of the Authority, there shall be established a Fund to be called the "Gujarat Road Safety Fund".

(2) There shall be credited to the Fund, -

- (a) grants by way of share of compounding fees recovered for traffic violations under the Motor Vehicles Act, 1988 59 of 1988. or for violations under **this Act**;

- (b) any other grants as may be fixed by the State Government from time to time;
- (c) loans or advances made by the State Government;
- (d) grants, loans or advances made by the Government of India;
- (e) contributions from public or private institutions or organizations;
- (f) by auctioning of the confiscated vehicle.

**11.** (1) The Fund shall vest in and be administered by the Authority under this Act.

**Vesting and  
Administration  
of Fund.**

(2) The Authority shall administer the Fund vested in it in such manner, as may be determined by the Authority with the approval of the State Government from time to time.

(3) All moneys forming part of the Fund shall be deposited in any Nationalized Bank, as may be decided by the Authority and the account shall be operated by the Chief Enforcement Officer of the Authority in such manner, as the Authority may decide.

**12.** The Fund shall be utilized for all or any of the functions of the Authority mentioned in section 4.

**Utilisation of  
Fund.**

**13.** (1) Notwithstanding anything contained in any other law for the time being in force, where the Enforcement Officer is satisfied, on a report by any person or otherwise, that-

**Removal  
of causes  
of  
accidents.**

- (i) structure or materials including arches, banners, display boards, hoardings, tents, pandals, poles, platforms, statues, monuments or any other structures, on a public road;
- (ii) the condition of any parking area, tree, structure or building situated in the vicinity of a public road; or



- (iii) the entry or exit of any building or premise in the vicinity of a public road, is likely to cause an accident or causes an obstruction to the free flow of traffic or distract the attention or obstruct the vision of the driver of any vehicle,

the Enforcement officer may, after recording reasons thereof, direct the person concerned, either by a general or a special order, to take such measures as it considers necessary and such person shall be bound to comply with the direction within such time, as may be specified by the the Enforcement officer.

(2) Notwithstanding anything contained in sub-section (1), in case of urgency, the Chief Road Safety Commissioner or the Joint Road Safety Commissioner may take such action as may be necessary to prevent accident or obstruction, as the case may be, and recover the cost thereof from the person responsible, in such manner as may be prescribed.

**Power to  
seize  
vehicles.**

**14.** (1) Notwithstanding anything contained in any other law for the time being in force, where the Enforcement Officer or any officers of Police not below the rank of Assistant Inspector of Police or any officer of the Motor Vehicles Department not below the rank of Assistant Inspector of Motor Vehicles or any officer of the State Government authorized in this behalf is satisfied, on a report by any person, or otherwise, that the placement or positioning of any vehicle, on a public road or the movement of vehicles on a public road is likely to cause accident or cause obstruction to the free flow of traffic or distract the attention, or obstruct the vision of the driver of any vehicle or vehicle used without the third party insurance or carrying of goods in a manner dangerous to public or carrying overload goods in such a way to create or likely to create danger to public safety on road, he may –

- (i) seize the vehicle, in the prescribed manner and for this purpose take or cause to be taken such steps as he may consider proper for the temporary safe custody of the vehicle; or

- (ii) instead of seizing the vehicle, seize the certificate of registration of such vehicle and shall issue an acknowledgement in respect thereof.

(2) Where a motor vehicle has been seized under sub-section (1), the owner or person in-charge of the motor vehicle may apply to the officer as referred to in sub-section (1), alongwith the relevant documents and such fees as may be specified by the State Government by notification in *Official Gazette* for the release of such vehicle and such officer may, after verification of such documents, by making an order, release the vehicle subject to such conditions, as he may deem necessary to impose:

Provided that the different fees may be specified for different vehicles and different purposes.

(3) Notwithstanding anything contained in this section, if any vehicle seized under sub-section (1) shall lie with the authority for more than two months due to non-attempt of the releasing such vehicle or no one applies to release such vehicle, or, if any vehicle seized three times under sub-section (1), the officer as referred to in sub-section (1), may forfeit the vehicle in the name of the State Government after giving an opportunity of being heard to the owner or a person in possession or control of such vehicle.

(4) The vehicle so forfeited may be auctioned by the forfeiting officer as may be determined by the Authority.

(5) The income generated from the auction shall be deposited in the fund of the Authority.

**15.** (1) The Authority or the State Road Safety Committee or District or City Road Safety Committees may by order give direction to any officer of the Government department or public authority or local authority or any person of public, public or private institutions to act for the purpose of Road Safety.

**Power to  
order works  
and give  
directions.**

(2) Notwithstanding anything contained in sub-section (1) or any other law for the time being in force, it shall be lawful for the Chief Road Safety Commissioner or the Joint Road Safety Commissioner to pass following orders or give direction to ensure Road Safety, namely:-

- (i) to fulfill any work or improvement on a public road, as it may consider necessary,
- (ii) to ensure implementation of all laws relating to Road Safety such as helmet, seat belt, etc.,
- (iii) to implement the decisions of the State Road Safety Council,
- (iv) to implement the direction given by the State Government under section 33:

Provided that no order under this sub-section shall be issued by any officer of the Government department or public authority or local authority or any person of public, public or private institutions without prior written notice and opportunity of being heard. If such officer of the Government department or public authority or local authority or any person of public, public or private institutions fails to respond or reply to the satisfaction of the Chief Road Safety Commissioner or Joint Road Safety Commissioner, a reasoned order shall be issued and same shall be binding on any officer of the Government department or public authority or local authority or any person of public, public or private institutions.

(3) Every officer of the Government department or public authority or local authority or any person of public, public or private institutions shall be bound to carry out such works or improvement or compliance of the orders or directions passed under sub-section (1) or (2) within such time, as may be specified by the Authority:

(4) It shall be the duty of any officer of the Government department or public authority or local authority or any person of public, public or

private institutions to act in aid of the Authority in enforcing under sub-section (1) and sub-section (2).

(5) If any officer of the Government department or public authority or local authority or any person of public, public or private institutions to whom a written order is served under sub-section (2) refuses or fails to comply with the order within the time limit set out by the Authority, the Chief Road Safety Commissioner or the Joint Road Safety Commissioner may after giving opportunity of being heard impose a fine up to ₹ 1,00,000 (rupees one lakh only) in person or recommend the disciplinary action upon such officer or person under the service law applicable to him and may also take such action as to prevent danger and ensure safety to the public and may recover the cost thereof from such officer of the Government department or public authority or local authority or any person of public, public or private institutions:

Provided that the fine imposed shall be recoverable from the salary of such officer of the Government department or public authority or local authority or any person of public, public or private institutions and the drawing and disbursing officer of that officer shall be liable to deduct and deposit it in the account of the Authority.

**16.** Any amount due to the Authority or the Road Safety Commissioner or the Enforcement Officer under this Act shall, without prejudice to any other mode of recovery, be recoverable in the same manner as an arrear of public revenue due on land.

**Amounts recoverable as arrears of land revenue.**

**17.** Where the Authority or the Road Safety Commissioner or, as the case may be, the Enforcement Officer is of the opinion that any officer of the Government department or public authority or local authority or any person of public, public or private institutions refuses or fails to comply with any written order or direction of the Authority or Road Safety or Enforcement officer or any order passed under this Act except under sub-section (2) of section 15, it shall impose a penalty by reasoned order of five hundred rupees each day till the compliance

**Penalty for failure to comply order.**

of the order or direction of the Road Safety Commissioner or the Enforcement officer, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that any officer of the Government department or public authority or local authority or any person of public, public or private institutions, as the case may be, shall be given a reasonable opportunity of being heard before any penalty imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on such officer of the Government department or public authority or local authority or any person of public, public or private institutions, as the case may be.

**Accounts of Fund.** 18. The accounts of the Fund shall be maintained by the Accounts officer under the overall supervision and control of the Chief Enforcement Officer in such manner, as may be resolved from time to time by the Authority.

**Submission of reports.** 19. Every District or City Road Safety Committee shall submit such reports and returns and furnish such information to the Authority, as may be required from time to time.

**Annual report.** 20. (1) The Authority shall, during each financial year, prepare in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities in the previous year and submit such report to the State Government before such date as the State Government may by order specify.

(2) The Government shall cause every such report to be laid before the State Legislature, as soon as may be, after the receipt of the same.

**Audit of Accounts.** 21. (1) The accounts of the Authority shall be audited annually.

(2) The Authority may also carry out internal audit including concurrent audit of the accounts every year by such officials or by the Chartered Accountant as it deems fit.

(3) The accounts of the Authority, as certified by the auditor, together with the audit report thereon shall be submitted to the State Government along with the remarks thereon by the Authority and the State Government shall cause the same to be laid before the State Legislature.

(4) The Authority shall take such corrective steps as may be ordered by the State Government in pursuance of the report.

**22.** The Authority may, with the previous approval of the State Government, delegate to the Executive Committee or the Road Safety Commissioner or the Chief Enforcement officer or the District or City Road Safety Committee or to any other officer of the authority or to any Gazetted officer of the Government by general or special order, subject to such restrictions as it deems fit, such of its powers and functions, as it may consider necessary, for the effective implementation of the road safety programmes. The District or City Road Safety Committee shall exercise such powers and perform such functions, as the Authority may delegate from time to time.

**Delegation.**

**23.** Notwithstanding anything contained in section 15 or section 17-

(1) whoever, including the public servant, refuses or fails to comply with any written order or direction of the Road Safety Commissioner or Enforcement Officer, or any other officer under section 22 shall be punishable with imprisonment for a term of three months or with fine which may extend to five thousand rupees or with both.

(2) in the case of a continuing offence, a fine of one thousand rupees shall be imposed for each day for which the offence continues.

(3) a Judicial Magistrate of First Class shall try an offence punishable under this Act.

**24.** Any offence punishable under this Act may either before or after the institution of prosecution, be compounded by such officers or authorities and for such amount as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

**Compounding of offences.**

**Offences by Companies.**

**25.** (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all the due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- for the purposes of this section-

- (a) "Company" means anybody corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm, means a partner in the firm.

**Appeal. 26.** (1) Any person aggrieved by an order passed by any officer of the Authority under this Act may, within sixty days of the date of that order, appeal to the Joint Road Safety Commissioner.

(2) Every appeal preferred under sub- section (1) shall be accompanied by fees of rupees five thousand.

(3) After the receipt of any appeal under sub-section (1), the Appellate Authority shall, after giving the appellant an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

27. The Chief Road Safety Commissioner may, *suo-motu* or on application made to it by the aggrieved person, call for the records of any case in which an order under section 13, 14, 15 or 26 has been passed by any subordinate officer of the Authority and if it appears to the Chief Road Safety Commissioner that the order is improper or illegal, he may pass such order as he deems fit.

**Revision.**

28. All the members and employees of the Authority while acting or purporting to act in pursuance of the provisions of this Act or the rules made thereunder, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

**Members, officers and employees to be public servants.**

XLV of 1860.

29. No suit, prosecution or other legal proceedings shall lie against the Government or Authority or any officer of the Government or any member or other employees of the Authority for anything, which is done in good faith or intended to be done under this Act or the rules made thereunder.

**Protection of action taken in good faith.**

30. No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence submitted with the prior permission of the Authority or, as the case may be, the Executive Committee or the Chief Enforcement Officer.

**Cognizance of offences.**

31. No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act or the rules made thereunder required to be settled, decided or dealt with or to be determined by the State Government or the Authority or any officer authorized by the State Government or the Authority.

**Bar of jurisdiction of civil courts.**

32. The provisions of this Act shall be in addition to, and not in derogation of any of the provisions of the Motor Vehicles Act, 1988 or any other law for the time being in force.

**Act not in derogation to any law for the time being in force.**

59 of 1988.



**Power of  
State  
Government  
to give  
directions.**

**33.** The State Government having regard to-

- (a) the desirability of effective enforcement of the provisions of this Act or any other law for the time being in force to control and regulate the road traffic,
- (b) the desirability to reduce vehicle density on public road,
- (c) the desirability of preventing the road accidents,
- (d) the desirability of preventing the deterioration on the road system,

may, from time to time, by notification in the *Official Gazette*, issue directions to the Authority,-

- (i) regarding control of the purchase of second vehicle,
- (ii) regarding prevention and regulation of the use of the vehicles more than age of 15 years and manner for the scrap thereof,
- (iii) regarding fixing time of the use or prohibiting use of the of the vehicle on the public road in the specific area or areas,
- (iv) regarding the appointment of any public or private agency after following due process by the Authority; for the purpose of road safety measure in specific area or areas, to remove traffic nuisance, detect traffic offence, accept composition fee, recover fine or penalties, recover cost of the damage caused by traffic nuisance, regularize any other measure related to road safety in the benefit of public at a large,
- (v) regarding fixing of service charge as may be levied by such agency.
- (vi) any other direction as the State Government may deem fit to give to ensure road safety:

Provided that the rate of compounding fees, penalties or fine shall be specified under the respective laws or rules made thereunder:

Provided further that compounding fees, penalties, fine or cost shall be deposited in the Government treasury by such agencies. However, such agencies may be entitled to retain service charge with itself.

**Explanation.-** For the purpose of clause (i), “second vehicle” means the second number of vehicle purchased by the person who owned one vehicle.

**34.** (1) The State Government may, subject to the condition of previous publication, for the period as the State Government may deem fit, make rules for carrying out the purposes of this Act. **Power to make rules.**

(2) In particular, and without prejudice to the generality of the foregoing provision, the State Government may make rules for all or any of the following matter, namely:-

- (a) functions to be performed by the Authority in addition to the functions provided in section 4;
- (b) the designation, method of appointment and other conditions of service of the officers and staff of the Authority;
- (c) the form and the time for preparation of annual report under section 20;
- (d) any other matter which is required to be, or may be, prescribed.

(3) The contravention of any of the provisions which are specified in such rule shall be punishable with fine, which may extend to one thousand rupees.

(4) All rules made under this section shall be published in the *Official Gazette*.

(5) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(6) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

**Power to  
make  
regulations.**

**35.** The Authority may make regulations in respect of the procedure to be adopted by the Authority, the Executive Committee and officers of the Authority for meetings and disposal of matters coming up before the Authority or the Executive Committee or the officers, as the case may be.

**Power to  
remove  
difficulties.**

**36.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or special order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as it appears to it to be necessary or expedient for the purposes of removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

**Repeal and  
savings.**

**37.** (1) The Gujarat Road Safety Authority Ordinance, 2017 is hereby repealed.

**Guj. Ord. 2  
of 2017.**

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.

### STATEMENT OF OBJECTS AND REASONS

The road safety is a matter of foremost priority of the State Government. In the Writ Petition (PIL) No. 295/2012, the Hon'ble Supreme Court has constituted a Committee on Road Safety on the 22<sup>nd</sup> January, 2014 under the Chairmanship of retired Justice Dr. K.S. Radhakrishnan. Supreme Court has suggested that the directions of the Road Safety Committee may be followed to decrease the road accidents and has also suggested to constitute a lead agency with power, fund and manpower to ensure the road safety. It is also suggested that for the purpose of Road Safety, there should be a special provision to make separate authority and budget. The State Government has announced the Road Safety Policy in March-2016 with a target to decrease the accident up to 50 per cent.

In order to comply with the aforesaid suggestions of the said Committee of Hon'ble the Supreme Court and for effective implementation of the State Road safety policy in its true letter and spirit, a road safety authority is proposed to be established which would be the Lead Agency for undertaking the work of road safety with the co-ordination of separate Government departments as also with the co-ordination of certain NGOs, volunteers, etc. the proposed road safety authority would be a lead agency for road safety.

As the Legislative Assembly of the State of Gujarat was not in session, at that time, the Gujarat Road Safety Authority Ordinance, 2017 was promulgated to achieve the aforesaid objects. This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

The following notes on clauses explain, in brief, some of the important provisions of the Bill:-

- Clause 1.-** This clause provides for short title and commencement of the Act.
- Clause 2.-** This clause defines certain terms used in the Bill.
- Clause 3.-** This clause provides for the constitution of the Gujarat Road Safety Authority (GUJROSA) consisting of the members as specified therein.
- Clause 4.-** This clause provides for the functions to be performed by the Gujarat Road Safety Authority.
- Clause 5.-** This clause provides for the meetings of the Gujarat Road Safety Authority, transaction of business of the meeting, its quorum, etc.

- Clause 6.-** This clause provides for that the State Government shall provide certain officers and employees to the Authority as specified therein, for the purpose of carrying into the effect the provisions of this Act.
- Clause 7.-** This clause provides for the salaries and allowances payable to the Chairperson and Members of the Authority and administrative expenses including the salaries and allowances payable to the officers and other employees.
- Clauses 8 and 9.-** These clauses provide for the constitution of the Executive Committee consisting of members as specified therein and meetings of the Executive Committee thereof.
- Clause 10.-** This clause provides for the establishment of the Gujarat Road Safety Fund.
- Clauses 11 and 12.-** These clauses provide for the vesting, administration and utilization of the Gujarat Road Safety Fund.
- Clause 13.-** This clause provides for the removal of causes of accidents by the Executive Committee or Road Safety Commissioner or Enforcement officer as delegated to them by the Authority.
- Clause 14.-** This clause provides for the power of the Enforcement Officer, or the other officers of Police or the Motor Vehicles department or any authorized officer to seize or detain the vehicles which are placed or positioned on the public road or moved on a public road.
- Clause 15.-** This clause provides for the power of the Gujarat Road Safety Authority to order any work or improvement on a public road, to secure safety on such roads.
- Clause 16.-** This clause provides that any amount due to the authority shall be recovered as an arrears of land revenue.
- Clause 17.-** This clause provides for the delegation of the powers by the authority with the previous approval of the State Government, to the Executive Committee or the Chief Enforcement officer or the District or city Road Safety committee, for the effective implementation of the road safety programmes.
- Clause 18.-** This clause provides for the accounts of the Gujarat Road Safety Fund to be maintained by the authority.

- Clause 19.-** This clause provides for submission of reports and furnish of returns to the Authority, by the District or city Road Safety committee.
- Clause 20.-** This clause provides for preparing an annual report by the authority and submission of the same to the State Government.
- Clause 21.-** This clause provides for the annual audit of the accounts of the Authority.
- Clause 22.-** This clause provides that the Authority shall delegate such powers to the Executive Committee or the Road Safety Commissioner or the Chief Enforcement Officer or the District or City Road Safety Committee or to any other officer of the authority or to any Gazetted officer of the Government by general or special order with the previous approval of the State Government.
- Clause 23.-** This clause provides for offences and penalties.
- Clause 24.-** This clause provides for the compounding of offences punishable under the Act.
- Clause 25.-** This clause provides for the offences committed by a company.
- Clause 26.-** This clause provides for the appeal to be preferred by any person aggrieved by an order passed by any officer of the Authority, to the Joint Road Safety Commissioner.
- Clause 27.-** This clause provides for the revision by the Road Safety Commissioner either *suo moto* or on application made to it by the aggrieved person.
- Clause 28.-** This clause provides that the members of Committee, officers and the employee shall be public servant within the meaning of section 21 of Indian Penal Code.
- Clause 29.-** This clause provides for usual indemnity for acts done in good faith.
- Clause 30.-** This clause provides for the cognizance of the offences punishable under the Act.
- Clause 31.-** This clause provides for bar of jurisdiction of civil courts to deal with any questions which the State Government or the Authority or any officer authorized by the State Government or the Authority is empowered to deal with.
- Clause 32.-** This clause provides that provisions of this Act shall not be in derogation of any of the provisions of the Motor Vehicles Act, 1988 or any other law which is time being in force.

- Clause 33.-** This clause provides for the power of State Government to give directions to the authority for the purpose of carrying out of the provisions of the Act, rules or orders made thereunder.
- Clause 34.-** This clause empowers the State Government to make rules, for the period as the State Government may deem fit, by notification in the *Official Gazette*, generally for carrying out the purposes of the Act and particularly for the matters as specified therein.
- Clause 35.-** This clause empowers the authority to make regulations in respect of the procedure to be adopted by the Authority, the Executive Committee and officers of the Authority for meetings and disposal of the matters placed before them.
- Clause 36.-** This clause empowers the State Government to remove difficulties arising within a period of two years from the commencement of the Act.

**RANCHHODBHAI FALDU,**

#### **FINANCIAL MEMORANDUM**

*Clause 7* of this Bill provides for the salaries and allowances payable to the non-official members of the Authority and administrative expenses including the salaries and allowances payable to the officers and other employees shall be paid as may be prescribed by the State Government out of the grants made to the Authority under this Act.

Sub-clause (2)(b) of clause 10 of the Bill contemplates payment of contribution or the grant to the Authority among others by the State Government.

However, at present, it is not possible to ascertain the exact amount of grant to be made available to the Gujarat Road Safety Authority. This provision of the Bill, if enacted and brought into force would involve expenditure from the Consolidated Fund of the State.

**RANCHHODBHAI FALDU,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill provides for delegation of legislative powers in the following respects:--

**Clause 3.**— This clause empowers the State Government to constitute, by notification in the *Official Gazette*, the Gujarat Road Safety Authority (GUJROSA) with effect from the date specified therein.

**Clause 4.**— Para (zj) of sub-clause (1) of this clause empowers the State Government to prescribe by rules, the other functions to be discharged by the Authority.

**Clause 6.**— This clause empowers the State Government to prescribe by rules the terms and conditions of service of officers and employees of the Authority.

**Clause 7.**— This clause empowers the State Government to prescribe by rules, the manner in which the salaries and allowances payable to the non-official members of the Authority and administrative expenses including the salaries and allowances payable to the officers and other employees shall be paid.

**Clause 13.**— Sub-clause (2) of this clause empowers the State Government to prescribe by rules, the manner in which the Authority may take action as may be necessary to prevent accident or obstruction, and recover the cost thereof from the person found responsible.

**Clause 14.**— (i) Para (i) of sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner in which the Authority shall seize the vehicles which are placed or positioned or moved on the public road;

(ii) sub-clause (2) of this clause empowers the State Government to specify, by notification in the *Official Gazette*, the fees to be paid by the owner or person in-charge of the motor vehicle for the release of the seized vehicle.



**Clause 20.**— Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form in which and the time within which the authority shall prepare an annual report.

**Clause 24.**— This clause empowers the State Government to specify, by notification in the *Official Gazette*, the amount for compounding of offences punishable under this Act by the officers or authorities as specified in the notification.

**Clause 33.-** This clause empowers the State Government having regard to the circumstances as mentioned therein, to issue, by notification in the *Official Gazette*, the directions as specified therein.

**Clause 34.-** This clause empowers the State Government to make, by notification in the *Official Gazette*, for the period as the State Government may deem fit, the rules generally for carrying out the purposes of the Act and particularly for the matters as specified therein.

**Clause 36.-** This clause empowers the State Government to make an order published in *Official Gazette*, to remove any difficulty if arised in giving effect to the provisions of this Act within a period of two years .

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 12<sup>th</sup> February, 2018.

**RANCHHODBHAI FALDU.**

By order and in the name of the Governor of Gujarat,

Gandhinagar, Secretary to the Government of Gujarat,  
Dated the 12<sup>th</sup> February, 2018. Legislative and Parliamentary  
Affairs Department.



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# The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The Following Bill is published with the consent of the speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF HOLDINGS (AMENDMENT) BILL, 2018.

GUJARAT BILL NO. 3 2018.

### A BILL

*further to amend the Gujarat Prevention of Fragmentation and  
Consolidation of Holdings Act, 1947.*

It is hereby enacted in the Sixty-ninth Year of the Republic of  
India as follows:-

1. (1) This Act may be called the Gujarat Prevention of Fragmentation and Consolidation of Holdings (Amendment) Act, 2018. **Short title and commencement.**
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment of section 9 of Bom. LXII of 1947.** **2.** In the Gujarat Prevention of Fragmentation and Consolidation of Holdings Act, 1947, in section 9, in sub-section (2), for the words “of the market value”, occurring at two places, the words “of the prevailing *jantri* value” shall be substituted. **Bom. LXII of 1947.**

### STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Gujarat Prevention of Fragmentation and Consolidation of Holdings Act, 1947, the agriculturists are experiencing hardships in sale and purchase of fragmented land.

At present, sub-section (2) of section 9 provides for the owner of any land so transferred or partitioned shall be liable to pay the fine of rupees five thousand or ten per cent. of the market value of the land, whichever is more, for the urban area, which may be directed by the Collector; and rupees two thousand or ten per cent. of the market value of the land, whichever is more, for the remaining area. It is experienced that it takes much time for determining the market value of the land while imposing fine on the owner of the land. It is, therefore, considered necessary to provide for imposition of fine at the prevailing *jantri* value of the land instead of the market value of the same. **Clause 2** of the Bill provides for the same.

This Bill seeks to amend the said Act of 1947 to achieve the aforesaid object.

**KAUSHIK PATEL,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill provides for delegation of legislative power in the following respects:--

**Clause 1.—** Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 14<sup>th</sup> February, 2018.

**KAUSHIK PATEL.**

By order and in the name of the Governor of Gujarat,

**K. M. LALA,**

Gandhinagar,

Secretary to the Government of Gujarat,

Dated the 14<sup>th</sup> February, 2018.

Legislative and Parliamentary

Affairs Department.

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The Following Bill is published with the consent of the speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT AGRICULTURAL PRODUCE MARKETS (AMENDMENT) BILL, 2018.

GUJARAT BILL NO. 4 OF 2018.

### A BILL

*further to amend the Gujarat Agricultural  
Produce Markets Act, 1963.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India  
as follows:-

1. (1) This Act may be called the Gujarat Agricultural Produce Markets (Amendment) Act, 2018. **Short title and commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment of section 26 of Guj. XX of 1964.** **2.** In the Gujarat Agricultural Produce Markets Act, 1963, in section 26, for sub-section (2), the following sub-section shall be substituted, namely:- **Guj. XX of 1964.**

“(2) Notwithstanding anything contained in this Act, a market committee shall, as directed by the Director with the approval of the State Government, carry on the business of,-

- (i) purchasing or selling of such agricultural produce;
- (ii) cleaning, grading, sorting, branding, processing, value addition, godown facility for storage, cold storage, marketing as also the contract farming, of such agricultural produce for sale;
- (iii) purchasing of such agricultural produce at the rate of minimum support price as determined by the Government,

for which such market committees shall not require any licence under this Act.”.

#### STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Agricultural Produce Markets Act, 1963 for regulation of buying and selling of agricultural produce; and for establishment of markets for agricultural produce in the State in order to see that farmers' interest are protected and that there is a proper control of the State Government over the market committees.

It is considered necessary to insert a provision so as to empower the market committee, as directed by the Director, with the approval of the State Government, to carry on the business of purchasing or selling of such agricultural produce or of cleaning, grading, sorting, branding, processing, value addition, godown facility for storage, cold storage, marketing as also the contract farming of such agricultural produce for sale; and also to empower the market committee to purchase such agricultural produce on a minimum support price as determined by the Government, for which such market committee shall not require any licence under this Act. Sub-section (2) of section 26 is amended accordingly. *Clause 2* of the Bill provides for the same.

This Bill seeks to amend the said Act to achieve the aforesaid object.

**ISHWARSINH PATEL,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill provides for delegation of legislative power in the following respects:--

**Clause 1.**— Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 19<sup>th</sup> February, 2018.

**ISHWARSINH PATEL.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,  
Dated the 19<sup>th</sup> February, 2018.

**K.M. Lala,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary  
Affairs Department.

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The Following Bill is published with the consent of the speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT PRIVATE UNIVERSITIES (AMENDMENT) BILL, 2018.

GUJARAT BILL NO. 5 OF 2018.

### A BILL

*further to amend the Gujarat Private Universities Act, 2009.*

WHEREAS the Gokul Foundation, Sidhpur, Dist. Patan has applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish a Private University in the State;



AND WHEREAS the said application has been scrutinised by the Scrutiny Committee and on the report of the Scrutiny Committee, the State Government has issued the Letter of Intent to the respective sponsoring body for establishment of a Private University;

AND WHEREAS the State Government is satisfied that the sponsoring body has complied with the conditions of Letter of Intent as provided in section 10 of the said Act and has also established the Endowment Fund as per the Letter of Intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, includes the institution specified in column 2 of the Schedule as a Private University, by the name and location of the aforesaid sponsoring body as specified in column 4 of the Schedule.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

**Short title and commencement.**

1. (1) This Act may be called the Gujarat Private Universities (Amendment) Act, 2018.

(2) This section and clause (i) of section 2 shall come into force at once and clause (ii) of section 2 shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment of Schedule to Guj.8 of 2009.**

2. In the Gujarat Private Universities Act, 2009, in the Schedule,-

**Guj.8 of 2009.**

(i) in the entry at serial No. 24, in column 2, under the heading “Name and Address of the University”, for the words and symbol “Dholera, At & Post: Ratanpur, Taluka: Dhandhuka, District: Ahmedabad”, the words and symbol “At & Post: Rajpur, Taluka: Kadi, District: Mehsana, Gujarat” shall be substituted;

(ii) after the entry at serial No. 26, the following entry shall be inserted,namely :-

<b>Sr. No.</b>	<b>Name and Address of the Private University</b>	<b>Details of Registration and Registration Number</b>	<b>Sponsoring Body</b>
1.	2.	3.	4.
“27.	Gokul Global University, Gokul Educational Campus, Nr. G.R.S.L., Sujanpur Patia, Sidhpur, Dist. Patan, Gujarat.	Registration under the Gujarat Public Trusts Act, 1950. E/1352, Patan. Date: 17/08/2009.	Gokul Foundation, “Bahuchar Krupa”, Nr. G.R.S.L. State Highway, No. 41, Nr. Sujanpur Patia, Dist. Patan, Gujarat.”.

#### STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Private Universities Act, 2009 to provide for establishment of Private Universities in the State so as to provide for qualitative and industry related higher education and to regulate their functions in accordance with the provisions of the Act. A private University declared as such under the said Act is required to administer the affairs of the University as per the provisions of the said Act and the Governing Body, the Board of Management, the Academic Council and such other authorities are required to perform their duties and discharge their functions as provided in the said Act and the constitution of such bodies shall be as provided in the said Act.

The State Government has received the proposal from the Indrashil University to shift its campus because of the process of establishing infrastructural facilities has not taken place at the existing place. The State Government has also received a proposal from the Gokul Foundation, Sidhpur, Dist. Patan, as a Private University. Section 10 of the said Act provides that if the State Government is satisfied that the Sponsoring Body has complied with the conditions of Letter of Intent, then, the State Government is required to bring appropriate legislation for inclusion of the name of the University in the Schedule to the said Act. The said proposal has been considered by the Scrutiny Committee appointed under section 8

of the said Act and the Committee has submitted its report to the State Government and on the basis of such report, the State Government has, having been satisfied, issued a Letter of Intent as provided under section 9 of the Act and since the Sponsoring Body has complied with the conditions of the Letter of Intent, it is considered necessary to include the name of the University in the Schedule to the Act as envisaged under section 10 of the said Act.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

**BHUPENRASINH CHUDASAMA,**

### **MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative power in following respect:-

*Clause 1.* - Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which clause (ii) of section 2 of the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 21<sup>st</sup> February, 2018.

**BHUPENRASINH CHUDASAMA.**

By order and in the name of the Governor of Gujarat,

**K.M. Lala,**

Gandhinagar,

Secretary to the Government of Gujarat,

Dated the 21<sup>st</sup> February, 2018. Legislative and Parliamentary Affairs Department.

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# The Gujarat Government Gazette

EXTRAORDINARY

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THURSDAY, FEBRUARY 22, 2018/PHALGUNA 3, 1939

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill Which Was introduced on the 22<sup>nd</sup> February, 2018 by Smt. Sangitaben Patil, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

### GUJARAT BILL No. 6 OF 2018.

### THE GUJARAT PREVENTION OF ACCIDENTS ON HIGHWAYS BILL, 2018.

#### *A BILL*

*to make provisions for prevention of accidents on highways and for matters connected therewith.*

It is hereby enacted in the Sixty Ninth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Gujarat Prevention of Accidents on Highways Act, 2018. Short title and commencement

(2) It shall come into force at once.

**Definitions.** 2. In this Act, unless the context otherwise requires,-

(a) "Special Authority" means the Authority constituted under section-3 of this Act.

(b) "Highway" means, State Highways, National Highways and such other roads as may be classified as such by the State Government.

(c) "Traffic Police" means a section of the Gujarat Police looking after the regulations of Highways Traffic.

(d) The expressions which are used, but not defined shall have the same meaning has being given in the Motor vehicles Act, 1988. **Lix of 1988.**

**Establishment of Special Authority.**

3. (1) The State Government shall by notification in the *Official Gazette* establish a special Authority to Supervise and work for the prevention of accidents on highways in the State of Gujarat.

(2) The Special Authority shall consist of the Chairman and such other members not exceeding 14 as may be appointed by the State Government.

Provided that at least two members of the Gujarat Legislative Assembly shall be appointed on the Special Authority.

**Tenure of the members of the Special Authority.**

4. (1) The Chairman and members of the Special Authority shall be appointed for period of 3 years from the date of appointment.

Provided that the members of Gujarat Legislative Assembly shall continue to be members for full term of the Special Authority eventhough they cease to be members of the Assembly.

**Payment of Allowances to the Chairman and other members of the Special Authority.**

5. The Chairman and members of the Special Authority shall not be entitled to receive any salary but they shall be entitled to receive the allowances for performing their duties as may be determined by Government.

**Staff under the special Authority.**

6. (1) The staff under the Special Authority shall consist of--

(a) Secretary, who shall be appointed by the Government and;

(b) Such other employees as the Special Authority may, with the previous approval of the State Government, appoint from time to time.

(2) The Salary of the Secretary and other employees shall be such as may be prescribed.

(3) The other terms and conditions of the services of the Secretary and other employees shall be such as may be prescribed.

- 7.** The function of the Special Authority shall be;
- Functions of  
the special  
Authority.**
- (a) to supervise the road traffic and to suggest the measures for avoiding accidents on the highways.
- (b) to keep record of accidents and to find out the common causes of the accidents and to suggest the remedial measures.
- (c) to suggest changes in the existing highway traffic rules.
- (d) The State highway police shall implement the suggestions made by the special Authority and shall also carry out the instructions issued by it and will provide necessary assistance to the Authority.
- 8.** (1) The Government may frame the rules by notification in the Official Gazette to carry out the objects of the Act. **Rules.**
- (2) The rules made under this Section shall be made before the Legislature of the State at the sessions thereof next following and shall be liable to be modified or rescinded by a resolution passed by the Legislature and such rules after notifying in the Official gazette, be deemed to have been modified or rescinded accordingly.

**STATEMENT OF OBJECTS AND REASONS**

As present the road Accident on the Highways of Gujarat are increasing at an alarming rate. Every day several accidents occur on the Highways resulting in loss of lives of the people and also making many people invalid by severe and permanent injuries;

The exiting machinery of highway Police which looks after the highway traffic is not sufficient to check the highway accident.

Therefore, a separate Special Authority is proposed to be set up to suggest measures and issue directions to the Highway traffic Police with a view to control and minimise accidents taking places on highways of Gujarat.

Dated the 8<sup>th</sup> February, 2018.  
Gandhinagar.

**SANGITABEN PATIL**  
M.L.A.

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**FINANCIAL MEMORANDUM**

Section 5 and 6 of the bill provides for giving salaries and allowances to the Chairman, Members and Staff of the special Authority which may involve expenditure from the consolidated Fund of the State of about Rs. 15 lacs per years.

Dated the 8<sup>th</sup> February, 2018.  
Gandhinagar.

**SANGITABEN PATIL**  
M.L.A.

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**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill provides for delegation of Legislative powers in the following respects :-

Clause 3.--This clause empowers the State Government to appoint by notification in the *Official Gazette*, a Special Authority.

Clause 5.--This clause empowers the State Government to determine the allowances to the chairman and Members of the special Authority.

Clause 6.--This clause empowers the State Government to approve the strength and other conditions of services of the Secretary and employees under the Special Authority.

Clause 8.--This clause empowers the State Government to frame the rules to carry out the objects of the Act.

The delegation of Legislative powers are of normal character.

Dated the 8<sup>th</sup> February, 2018.  
Gandhinagar.

**SANGITABEN PATIL**  
M.L.A.

Gandhinagar.  
Dated the 22<sup>nd</sup> February, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The Following Bill Which Was introduced on the 22<sup>nd</sup> February, 2018 by Shri Jagdish Panchal, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

### GUJARAT BILL NO. 7 OF 2018

#### A BILL

*To provide for the control, regulation and elimination of noise pollution in the State of Gujarat and matters connected therewith.*

*Whereas the level and intensity of noise in urban and metropolitan areas has reached at a level which is hazardous to Human health and safety of the people.*

*And whereas, ecologists are of the view that the ill effects of the noise pollution is at the alarming level and unless checked may lead to irreparable loss to the citizens.*

*And whereas, it is considered necessary to take appropriate measures to check it.*

It is hereby enacted in the Sixty-Ninth Year of Republic of India as follows :-

1. (1) This Act may be called the Gujarat Noise Pollution (Prevention) Act, 2018.

Short title, extent and commencement.

(2) It shall extend to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.



2. In this Act, unless the context otherwise requires,-

**Definitions.**

(a) "Authority" means an Officer of the Gujarat Pollution Control Board appointed as Noise Control Authority under Section 3.

(b) "Noise" means unwanted sound with reference to frequencies and duration of the sound in the context of environment and includes noise within premises belonging to any person, noise created by vehicles, trains, loud speakers etc.

(c) "Prescribed" means prescribed by regulation made under the Act.

3. The State Government may by notification in the *Official Gazette* appoint such officers not below the rank of Environment Engineer as the Noise Control Authority and assign to them such powers and such duties under this Act, as the State Government may deem fit and also specify the area of jurisdiction;

**Appointment of Noise Control Authority.**

**Authority to regulate noise.**

4. (1) The Authority shall prescribe standards or regulations regarding permissible noise from different sources.

(2) In cases where the Authority is of the opinion that with respect to any source of noise it increases the permissible level, he shall issue direction in writing to the concerned person and if such person fails to comply with the direction he shall take appropriate steps to prevent or eliminate the noise.

(3) The Authority shall take measures to educate people on noise pollution including use of media for the purpose.

(4) The Authority shall issue direction to the use of any product or mechanism in order to prevent, control, regulate or eliminate noise from that product or mechanism and failing to comply with such directions shall amount to offence.

(5) The Authority shall regulate the noise created by procession, marriage ceremony, by beating drums, public meetings or by use of fire crackers by prescribing regulations with prior approval of the State Government.

**Cognizance of offence.**

5. Every offence under this Act shall be cognizable and bailable for a minimum sum of rupees Ten thousand. All prosecutions under this Act shall be tried in the Metropolitan Magistrate Court.

**Penalties.**

6. Any person who is guilty of violating any of the provision of the Act or regulations made there under shall be punished with fine of not less than rupees ten thousand but not exceeding rupees twenty five thousand or be sentenced to imprisonment not exceeding three months or both.

**Provision not to restrict rights of individual.**

7. Nothing in this Act shall take away or restrict any right of a person under Common Law or the Law of Torts to seek enforcement of his right to have any environmental Free noise.

**Power to make Regulation.**

8. The Gujarat Pollution Control Board with previous approval of the State Government may make regulations, consistent with this Act, for carrying out all or any of the provisions under this Act.

**STATEMENT OF OBJECTS AND REASONS**

The magnitude of unwanted sound in the environment increases day by day, which is hazardous to the health of the people. Source of noise includes industries, transport system, marriage procession on public road, public meetings by political parties and many more. Sometime, it is difficult to bear the intensity of such noise by a student preparing for examination and a patient who is on the death bed in Hospital.

At present, there is no adequate machinery in Government to regulate the problem of noise. It is also equally necessary to educate people for elimination of noise.

Hence, it is considered necessary to have a comprehensive law on this subject.

Hence, this Bill.

Dated the 8<sup>th</sup> February, 2018.  
GANDHINAGAR.

**JAGDISH PANCHAL**  
M. L. A.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves the delegation of legislative power in the following respect:-

*Clause 1-* sub-clause (3) of the clause empowers the State Government to appoint by notification in Official Gazette the date on which the Act. shall come into force;

*Clause 3-* This clause provides for the appointment of certain officers as the Notice Control Authority.

*Clause 4-* of the Bill empowers the Gujarat Pollution Control Board to frame regulations for permissible noise from different sources.

*Clause 8-* of the Bill empowers the Board to frame regulations for carrying out the purposes of the Act.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 8<sup>th</sup> February, 2018.  
GANDHINAGAR.

**JAGDISH PANCHAL**  
M. L. A.

Gandhinagar.  
Dated the 22<sup>nd</sup> February, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly



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The Following Bill Which Was introduced on the 22<sup>nd</sup> February, 2018 by Shri Sureshbhai Patel, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

### GUJARAT BILL NO. 8 OF 2018

#### THE GUJARAT NON-BIODEGRADABLE GARBAGE (CONTROL) BILL, 2018

#### A BILL

*to prevent throwing or depositing of non-biodegradable Garbage in public drains, roads and place open to public view in the State of Gujarat and for matters connected therewith or incidental thereto.*

It is hereby enacted in the Sixty-Ninth Year of the Republic of India as follows:

1. (1) This Act may be called the Gujarat Non-biodegradable Garbage (Control) Act, 2018

Short title, extent and commencement.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires :-

Definition.

(a) "bio-degradable garbage" means the garbage or waste material capable of being destroyed by the action of living beings;

(a) "building" means any shop, out-house, hut, house, shed or stable whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever, and includes a wall and a well;

(c) "house gulley" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as or carrying a drain or affording access to the latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by person employed in the cleaning thereof or in the removal of such matter therefrom,

(d) "local authority" means a Municipal Corporation, a Municipality, a Cantonment Board, a Housing Board, a Slum Clearance Board, an Urban Development Authority, a Notified Area Committee, a District Panchayat, a Taluka Panchayat or a Gram Panchayat constituted, under any law for the time being in force;

(e) "market" includes any place where person assemble for sale or purchase of meat, fish, fruits, vegetables, food or any other articles for use or consumption with or without the consent of the owner of such places notwithstanding that there may be no common regulation for the concourse of the buyer and the sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or by any other person;

(f) "no-biodegradable garbage" means the waste garbage of material which is non-bio-degradable and includes plastic polythene, nylon and other plastic goods such as P.V.C. propylene and polystyrene which are not capable of being destroyed by an action of living being and are more specifically included in the Scheduled to this act;

(g) "occupier" includes any person for the time being paying or liable to payment or any portion of rent of the building in respect of which the word is used, or compensation or premium on account of the occupation of such building and also a rent free tenant, but does not include a lodger, and the words occupy and occupation do not refer to the lodger;

(h) "owner" means the person who receives the rent for the use of the land or building or would be entitled to do so if they were let. it also includes-

- (i) an agent or trustee who receives such rent on behalf of the owner;
- (ii) a receiver, executor or administrator of or a manager appointed by any court of competent jurisdiction to have the charge, of or to exercise the right of the owner;
- (iii) an agent or trustee who receives the rent of or is entrusted with or is concerned with any building devoted to religious or charitable purpose; and
- (iv) a mortgage in possession;

(i) "place" means any land or building or part of building and includes the garden, ground and out-houses, if any, pertaining to a building or part of a building;

(j) "place open to public view" includes any private place or building, monument, fence or balcony visible to a person being in, or passing along, any public place;

(k) "prescribed" means prescribed by rules made under this Act;

29 of 1986.

(1) "Public Analyst " means the person appointed or recognised to be the Government Analyst, in relation to any environmental laboratory established or recognised in the State, under the provisions of the Environment (Protection) Act, 1986;

(m) "Public place" means any place which is open to use and enjoyment of the public whether it is actually used or enjoyed by the public or not and includes a road, street, Market, house-gully or way, whether a throughfare or not, and landing place to which public are granted access or have a right to resort or over which they have a right to pass; and

(n) "State Government" means the Government of the State of Gujarat.

3. (1) No person, by himself or through another shall, knowingly or otherwise throw or cause to be thrown in any drain, ventilation shaft, pipe and fitting, connected with the private or public drainage works any non-biodegradable garbage or any biodegradable garbage in non-biodegradable bag or container likely to-

**Prohibition to throw garbage in public drains and sewage.**

- (i) injure the drainage and sewage system;
- (ii) interfere with the free flow of effect the treatment and disposal of drain and sewage contents; and
- (iii) be dangerous or cause a nuisance or be prejudicial to public health.

(2) No person, shall, knowingly or otherwise, place or permit to be placed, except in accordance with such procedure and after complying with such safeguards as may be prescribed, any bio-degradable or non-biodegradable garbage in any public place or in a place open to public view, unless-

- (a) the garbage is placed in garbage receptable; or
- (b) the garbage is deposited in a location designated by a local authority having jurisdiction on an area for the disposal of the garbage.

4. It shall be the duty of the local authority or any officer authorised by it, to-

**Provision for Placement of receptable and places for deposit of non biodegradable garbage.**

(a) place or provide place in proper and convenient situation public receptable, depots of places for temporary deposit or collection of Non-biodegradable garbage;

(b) provide separate dustbins for temporary deposit of non-biodegradable garbage other than those kept and maintained for deposit of biodegradable garbage;

(c) provide for the removal of contents of receptables, deposit and of the accumulation at all places provided or appointed by it under clause (a) of this section; and

(d) arrange for the recycling disposal of the non-biodegradable garbage collected under this Act.

5. It shall be the duty of the owners and occupiers of all lands and buildings-

**Duty of owners and occupiers to collect and deposit non biodegradable garbage etc.**

(a) to collect or to cause to be collected from their respective land and buildings, the non-biodegradable garbage and to deposit, or cause it to be deposited, in public receptables, deposite or places provided for temporary deposit or collection of the non-biodegadable garbage by the local authority in the area;

(b) To provide separate receptables or dustbins, other than those kept and maintained for deposit of biodegradable garbage, of the type and in the manner prescribed by the local authority of its officers for collection therein of all the non-biodegradable waste from such land and building and to keep such receptables dustbins in good condition and repair.

**Power of local authority for removal of non biodegradable garbage.**

6. The local authority may, by notice in writing, require the owner or occupier or part-owner, or person, claiming to be the owner, or part owner of any land or building, which has become a place or unauthorised stocking or deposit of non-biodegradable, garbage and is likely to cause a nuisance remove or cause it to be removed the said garbage so stocked or collected; and if in its opinion, such stocking or collection of non-biodegradable waste is likely to injure the drainage or sewage system or is likely to be dangerous to life and health, it shall forthwith take such steps at the cost of such persons as it may think necessary.

**Studies research and support programme.**

7. The State Government may :-

(a) undertake studies to determine the composition of biodegradable or non-biodegradable garbage:

(b) establish measures to conduct or support research or programme to encourage source reduction, re-use and recycling of waste;

(c) conduct or support studies to determine the social and economic feasibility of household and other solid waste separation schemes, including studies of the type and amount of recyclable materials in solid wastes.

(d) encourage local authorities in the State of Gujarat to provide readily accessible solid waste collection depots for residents who are not provided with regular garbage pick up;

(e) undertake and encourage local authorities and other persons to implement policies to recycle waste materials; to promote energy conservation and to purchase products made from recyclable materials;

(f) conduct and support research on waste management and recycling including information on recyclables;

(g) conduct or support research on waste management and recycling, for use in educating the public, local authorities, institutions and industry; and

(h) impose requirements on manufacturers, distributors and other person who produce or handle commodities with respect to the type, size, packaging, labelling and composition of packing that may or must be used and with respect to the disposal of packaging including standards for material degradability and recyclability.

**Penalties.**

8. (1) Whoever is guilty of any act or omission in contravention of any of the provisions of this Act, or of any rules, notification or order made, issued or given under this Act, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to rupees five thousand, or with both.

(2) Whoever having been convicted of any offence under this Act is again convicted of an offence under this Act shall be punishable with double the penalty provided for the latter offence

(3) Whoever in any manner aids, abets or is accessory to the commission of an offence under this Act shall on conviction be punished with imprisonment prescribed for the offence.



9. (1) If The person committing any offence punishable under this Act is a company, every person, at the time of the commission of the offence, was incharge of and responsible to the company for the conduct of the business or guilty of the offence shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

(2) Notwithstanding anything contained in sub-section (1) Where an offence under this Act has been committed by a Company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on of the part of any Director, Manager, Secretary, or other officer of the Company, such Direction Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation,—*For the purposes of this Section-

(a) "Company" means any body corporate and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm means a partner in the firm.

10. All offences under this Act shall be tried in a Summary way by a Judicial Magistrate of the First Class and the provisions of Section 262 to 265 (both inclusive) of the Code of Criminal Procedure 1973, shall as far as may be, apply to such trials.

**Offence to be tried summarily.**

11. (1) Any offences punishable under this Act may, before the institution of the prosecution, be compounded by such officer as may be authorised by the State Government in this behalf on payment for credit to the State Government of such sum as such officer may specify.

**Compounding of offences.**

(2) Where any offence has been compounded under sub-section (1), no proceeding shall be taken against the offender, and the offender if in custody, shall be discharged.

12. The local authority shall carry out such directions as may be issued to it from time, by the State Government for the efficient administration of this Act.

**Direction by State Government.**

13. (1) Where it is expedient to do so, the State Government may, in the public interest and in consultation with the public Analyst, by notification in the *Official Gazette*, add to or omit from the Schedule any item of non-biodegradable waste and thereafter the Schedule shall be deemed to have been amended accordingly.

**Power to amend Schedule.**

(2) Every notification under Sub-section (1) shall be laid, as soon as may be, after it is made., before the State Legislature.

14. The State Government may, by notification published in the *Official Gazette*, direct that any power exercisable by it under Act (Not including the power to make rules under section 17) may also be exercised, in such cases as may be specified in the order, by such officer or authority as may be specified therein.

**Power to delegate.**

15. No suit, prosecution or other legal proceedings shall lie against the State Government or the local authority or any officers or other employees of the State Government or the local authority or any other person authorised by the State Government for anything which is in good faith done or intended to be done under this

**Protection of action taken in good faith.**

Act or the rules made thereunder.

**Other laws  
not affected.**

**16.** The provisions of this Act are in addition to, and not in derogation of the provisions of any other law for the time being in force.

**Power to  
make rules.**

**17. (1)** The State Government may subject to the condition of previous publication in the *Official Gazette* make rules for the purpose of carrying out the provisions of this Act.

(2) All rules made under this section shall be laid before the State Legislature for thirty days as soon as after they are made and shall be subject to such modifications or recessions as the State Government may make during the session in which they are so laid or the session immediately following.

(3) Any modifications or recission so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect accordingly.

**Power to  
remove  
difficulties.**

**18.** If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

## **SCHEDULE**

**See Section 2 (f)**

### **NON BIODEGRADABLE GARBAGE**

1. Polythylene -
2. Nylone
3. P. V. C.
4. Poly-propylene
5. Poly-styrene.

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**STATEMENT OF OBJECTS AND REASONS**

At present, the use of Plastic goods is pervading for the industrial and packaging purposes at large in the State. This results in huge waste garbage or material which is non-biodegradable which is not capable of being destroyed by an action of living being. The cows, cattle and other animals, in search of eatables such plastic bags and chemicalised waste, which is very injurious even to the health of these animals. The animals eating those non-biodegradable! garbage suffer from various diseases and ultimately it results into death of these innocent animals. Such non-biodegradable garbage is injurious and harmful to the environment, human being and the animal being also. Therefore, it is necessary to have effective control for the disposal of the non-biodegradable garbage in the State by Act of the State Legislature.

Hence, this Bill.

Dated the 8<sup>th</sup> February, 2018  
Gandhinagar.

**SURESHBHAI PATEL**  
M.L.A.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The bill involves delegations of legislative powers in the following respects, namely :-

Clause 12. — This clause empowers the State Government to issue the directions to the local authorities from time to time for the efficient administration of this Act.

Clause 13. — This clause empowers the State Government to amend the Schedule by publishing a notification in the *Official Gazette*.

Clause 14.— This clause empowers the State Government to specify such officer or authority to exercisable by it under this Act (excluding the power to make rules).

Clause 17. — This clause empowers the State Government to make rules for the purposes of carrying out provisions of this Act.

Clause 18. — This clause empowers the State Government to do anything by an order anything not inconsistent with such provisions which appears to it to be necessary for the purpose of removing the difficulty, if any difficulty arises in giving effect to the provision of the Act.

The delegation of the Legislative powers as aforesaid is necessary and is of normal character.

Dated the 8<sup>th</sup> February, 2018  
Gandhinagar.

**SURESHBHAI PATEL**  
M.L.A.

**FINANCIAL MEMORANDUM**

Clause 7 of the Bill provides for undertaking studies, research and support programme by the State Government in regard to the non-biodegradable garbages, This bill if enacted and brought into operation would not incur expenditure from the Consolidated Fund of the State, as it is presumed and expected that such studies, research and support programmes will be undertaken or conducted by the existing Government personnel and machineries and therefore no additional expenditure will be incurred from the Consolidated Fund of the State.

Dated the 8<sup>th</sup> February, 2018  
Gandhinagar.

**SURESHBHAI PATEL**  
M.L.A.

Gandhinagar.  
Dated the 22<sup>nd</sup> February, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly

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### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill Which Was introduced on the 22<sup>nd</sup> February, 2018 by Smt. Manisha Vakil, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

### Gujarat Bill No. 9 OF 2018.

#### Use of Correct Gujarati Spelling by Public Institutes Bill, 2018

##### *A Bill*

*to provide for control of use of wrong Gujarati spellings by the public institutes in the State.*

It is hereby enacted in the Sixty-Ninth Year of Republic of India as follows:-

- 1 (1) This Act may be called as the Use of Correct Gujarati Spellings by Public Institutes Act, 2018. **Short title and commencement.**
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context otherwise requires- **Definition.**
  - (i) “Authorised Officer” means the Authorised Officer of the Gujarat Sahitya Parishad nominated by it for the purpose of this Act.
  - (ii) “Public Institute” means the offices of State Government, Local Authorities, Boards, Corporations and Companies owned or controlled by the State Government and includes the institutes taking any type of grant or financial assistance from the State Government.

3. It shall be the duty of every public Institute to use a right spelling of Gujarati language in its signboard, publications, instructions and advertisement. **Duty to use right Gujarati spelling.**
4. Any person can draw attention of the responsible officer of the public institute to the fact that it has used particular wrong spelling in its signboards, publications, instructions or advertisement. **Noticing wrong Gujarati spelling.**
5. On receipt of such intimation of wrong spelling used the responsible officer shall within a period of 15 days take action to correct the wrong spelling and intimate to the person of action taken. **Correction by the public institute.**
6. (1) Where the responsible officer of the public institute has not taken any appropriate action for correcting the wrong spelling of Gujarati, the authorised officer of Gujarat Sahitya Parishad shall issue notice seeking explanation of the responsible officer of the said public institute and also direct him to correct the wrong spelling within a period of one month. **Action on failure to correct Gujarati spelling.**
- (2) Where the authorised officer of the Gujarat Sahitya Parishad does not receive any explanation from the said responsible officer of the public institute or it has not corrected the wrong spelling, issue an advertisement in a daily newspaper publishing the information about the wrong spelling used by such public institute and the correct spelling ought to be there.
- (3) The cost of the advertisement issued under sub-section (2) above shall be borne by such public institute.
- Authority and reference to correct Gujarati spellings.** 7. In deciding the true spelling of Gujarati word, the authorised officer of Gujarat Sahitya Parishad shall have access to the Sarth Jodani Kosh published by Gujarat Vidyapith, Ahmedabad from time to time.
- Government Grant to Authority.** 8. For the purpose of effective implementation of the provisions of this Act, State Government shall provide to the Gujarat Sahitya Parishad a recurring grant of such amount as may be decided by the State Government.
- Powers to give directions.** 9. The State Government may give directions to the Public Institutes or Authorised Officer for carrying out the purposes of this Act.

### Statement of Objects And Reasons

It is seen now a days that lots of people are writing wrong Gujarati spellings. This requires to be checked at least in offices of State Government, Local Authorities, Boards, Corporations and Companies owned and controlled by the State Government. The Gujarat Sahitya Parishad is also linked up in the provisions of the Bill. The authorised Officer of the said Parishad will be the implementing authority and deciding authority of the correctness of the Gujarati spellings. In deciding the correct spelling of the Gujarati word, the Sarth Jodani Kosh of the Gujarat Vidyapith shall be the final reference book. Such a provision will be in tune with Mahatma Gandhi's preference to Sarth Jodani Kosh. Hence this Bill.

Dated the 8<sup>th</sup> February, 2018  
GANDHINAGAR.

**MANISHA VAKIL**  
M. L. A.

### Financial Memorandum

The Bill provides for giving grant of the recurring nature to the Gujarat Sahitya Parishad for effectively carrying out the provisions of the Act. The amount of the grant shall be decided by the State Government and shall be paid out of the Consolidated Fund of the State, if the provisions of the Bill are brought into force.

Dated the 8<sup>th</sup> February, 2018  
GANDHINAGAR.

**MANISHA VAKIL**  
M. L. A.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in the following respect:-

**Clause 9-** of the Bill empowers the state government to give directions to the public institutes or authorized officer for carrying out of the purposes of implementation of this Act.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 8<sup>th</sup> February, 2018  
GANDHINAGAR.

**MANISHA VAKIL**  
M. L. A.

Gandhinagar.  
Dated the 22<sup>nd</sup> February, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly



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# The Gujarat Government Gazette

EXTRAORDINARY

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THURSDAY, FEBRUARY 22, 2018/PHALGUNA 3, 1939

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill Which Was introduced on the 22<sup>nd</sup> February, 2018 by Shri Piyushbhai Desai, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

### GUJARAT BILL NO. 10 OF 2018

### THE GUJARAT STATE CANCER AND DRUG ADDICTION TREATMENT INFRASTRUCTURE FUND BILL, 2018

#### *A BILL*

*to constitute a Fund for supporting the creation of infrastructure for cancer  
and drug addiction treatment and for the matters connected therewith and  
incidental thereto.*

It is hereby enacted in the Sixty-Ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat State Cancer and Drug **Short title and  
Addiction Treatment Infrastructure Fund Act, 2018.** **commencement.**

(2) It shall come into force at once.

**Definations.** 2. In this Act, unless the context otherwise requires,—

- (a) "Act" means the Gujarat State Cancer and Drug Addiction Treatment Infrastructure Fund Act ;
- (b) "Board" means the Gujarat State Cancer and Drug Addiction Treatment Infrastructure Fund Board constituted under section 3 ;
- (c) "Fund" means the Gujarat State Cancer and Drug Addiction Treatment Infrastructure Fund constituted under section 4 ;
- (d) "Government" means the Government of the state of Gujarat ;
- (e) "prescribed" means prescribed by rules made under this Act; and
- (f) "section" means a section of this Act.

**Constitution of the Board.** 3. There shall be a Board for the purposes of carrying out the provisions of the Act, to be called the Gujarat State Cancer and Drug Addiction Treatment Infrastructure Board, comprising of the following :—

- (i) Chief Minister, Government of Gujarat ; .. Chairman
- (ii) Finance Minister, Government of Gujarat ; .. Member
- (iii) Health & Family Welfare Minister, Government of Gujarat ; .. Member
- (iv) Chief Secretary, Gujarat ; .. Member
- (v) Principal Secretary, Health and Family Welfare, Department, Government of Gujarat; .. Member
- (vi) Principal Secretary, Finance, Department, Government of Gujarat ; .. Member
- (vii) Principal Secretary to Chief Minister, Government of Gujarat ; .. Member
- (viii) Commissioner, Health & Medical Services & Medical Education ; .. Member Secretary

4. There shall be constituted a Fund to be called the Gujarat State Cancer and Drug Addiction Treatment Infrastructure Fund, which shall vest in the Board constituted under section 3.

**Contribution to the Fund**

5. The Fund shall be used for the following purposes :—

**Purpose for which the Fund may be used.**

- (a) to create and up-grade infrastructure including buildings, machinery and equipments for treatment and rehabilitation of cancer patients and for de-addiction of drug addicts ;
- (b) to create awareness about and prevention, detection and treatment of cancer through any means ;
- (c) to create awareness about mal-effects of drugs and drug addiction and prevention thereof and opportunities of treatment of drug addiction; and
- (d) for any other object for furtherance of the welfare of patients afflicted with cancer and drug addiction in the State as prescribed by the Board.

6. The following shall contribute to the Fund, namely :—

**Contribution to the Fund**

- (a) a percentage of the revenues realised by the societies and trusts, set up by the departments of the State Government excluding the grants-in-aid received by such societies and trusts from the State or Central Government, as prescribed in each case ;
- (b) grants-in-aid or contributions received from Gujarat Government or the State PSUs/Boards/Corporations/Apex Co-operative, Urban Local Bodies, Improvement Trusts and Panchayati Raj Institutions at their option, as prescribed in each case ;
- (c) a percentage of Funds collected through the infrastructural development projects of the projects having a worth of more than Rupees fifty crores, such as the construction of the roads, bridges and flyovers taken up by the agencies like Public Works Department, Mandi Board, Gujarat Infrastructure Development Board and the Gujarat Roads and Bridges Development Board or through the State Funding ;
- (d) such other contributions as may be prescribed from time to time.



**Administration  
of the Fund.**

7. The Fund shall be administered by the Board

**Audit.**

8. The accounts of the Fund constituted under section 4 shall be audited by the Examiner Local Funds Accounts, Gujarat.

**Protection of  
action taken in  
good faith.**

9. (1) No suit, prosecution or other legal proceedings shall lie against any person in respect or anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused by anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder

**Power to make  
rules.**

10.(1) The State Government may, by notification, in the *official Gazette* make rules to carry out the purposes of this Act.

(2) All Rules made under this section shall be laid before the State Legislature for thirty days as soon as after they are made and shall be subject to such modifications or recessions as the State Government may make during the session in which they so laid or the session immediately following.

**Power to  
remove  
difficulties.**

11. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make such provisions including any adaption or modification of any provisions of this Act, as appears to the Government to be necessary or expedient for removing the difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

12. Save as otherwise provided in this Act, the provisions of this Act or the rules made thereunder shall have effect, notwithstanding anything inconsistent therewith contained in the Gujarat Provincial Municipal Corporation Act, 1949, the Gujarat Municipalities Act, 1964, the Gujarat Panchayat's Act, 1993, the Gujarat Agricultural Produce Markets Act, 1964 or any other law for the time being in force.

**STATEMENT OF OBJECTS AND REASONS**

A Fund is proposed to be established to create state of art infrastructure for treatment of Cancer disease and Drug addiction and take other measures to control these problems and support the affected persons, in the State of Gujarat.

Dated the 8<sup>th</sup> February, 2018  
Gandhinagar.

**PIYUSHBHAI DESAI**  
M.L.A.

**FINANCIAL MEMORANDUM**

At this stage, it is not possible to indicate the quantum of funds that will be raised through the proposed legislation. However, it may be estimated to Rupees 50 crores Per Annum

Dated the 8<sup>th</sup> February, 2018  
Gandhinagar .

**PIYUSHBHAI DESAI**  
M.L.A.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Section 10 of the Gujarat State Cancer and Drug Addiction Treatment Infrastructure Fund Bill, 2014 empowers to the State Government to make rules to carry out the purpose of this Bill.

The powers which are sought is necessary for the proper implementation of the provision of the Bill and are of normal in nature.

Dated the 8<sup>th</sup> February, 2018  
Gandhinagar.

**PIYUSHBHAI DESAI**  
M.L.A.

Gandhinagar.  
Dated the 22<sup>nd</sup> February, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly



# The Gujarat Government Gazette

## EXTRAORDINARY

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### PART V

#### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

#### THE GUJARAT PANCHAYATS (AMENDMENT) BILL, 2018.

#### GUJARAT BILL NO. 11 OF 2018.

#### *A BILL*

*further to amend the Gujarat Panchayats Act, 1993.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Panchayats (Amendment) Act, 2018. **Short title and commencement.**

(2) It shall come into force at once.

Guj.18 of 1993.

2. In the Gujarat Panchayats Act, 1993, in section 55, in sub-section (4), for the words “Sarpanch or a member of the panchayat authorized in that behalf by the panchayat, and the Secretary”, the words “Sarpanch and the Secretary” shall be substituted. **Amendment of section 55 of Guj.18 of 1993.**

### STATEMENT OF OBJECTS AND REASONS

Sub-section (4) of section 55 of the Gujarat Panchayats Act, 1993 restricts withdrawal of money from the fund of the panchayat except with the signature of the Sarpanch or a member of the panchayat authorized in that behalf by the panchayat, and the Secretary. Considering the recommendation of the Gujarat State Second Finance Commission and to curb financial irregularities, it is necessary that the cheques are issued under the signature of the Sarpanch and the Secretary. Clause 2 of the Bill provides for the same.

This Bill seeks to amend the Act of 1993 to achieve the aforesaid object.

Dated the 22<sup>nd</sup> February, 2018.

**JAYDRATHSINHJI PARAMAR.**

By order and in the name of the Governor of Gujarat,

**K.M. Lala,**

Gandhinagar,

Secretary to the Government of Gujarat,

Dated the 22<sup>nd</sup> February, 2018.

Legislative and Parliamentary  
Affairs Department.

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# The Gujarat Government Gazette

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#### PART V

#### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The Following Bill Which Was introduced on the 28<sup>th</sup> February, 2018 by Shri Govindbhai Patel, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

#### GUJARAT BILL NO. 12 OF 2018.

#### THE GUJARAT PREVENTION AND CONTROL OF TRAFFIC NUISANCES BILL, 2018.

#### A BILL

*to provide for strict implementation of provisions relating to traffic in city areas of the State and to provide for certain measure for prevention and control of traffic nuisances and matter related thereto.*

It is hereby enacted in the Sixty-Ninth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Prevention and Control of Traffic **short title, extent and commencement**  
Nuisances Act, 2018.
- (2) It extends to whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. Notwithstanding anything contained in any law for time being in force, whoever in any public place commits any of the following offences shall be liable on **Rash or negligent driving.**  
conviction to fine not less than one thousand rupees or to imprisonment of either description not exceeding fifteen days:

Provided that in case of rash or negligent driving, the appropriate authority may cancel the driving licence for such period as he deems fit.

- (1) Whoever drives or rides or pushes any vehicle, in a rash or negligent manner;
- (2) Whoever by negligence or ill-usage in driving causes any mischief or obstruction to pedestrians or other persons;
- (3) Whoever without reasonable excuse and so as to cause danger or obstruction to any person shall drive, drag or push any vehicle otherwise than on the near or left side of the road;
- (4) Whoever being in charge of any vehicle leaves it otherwise than on the near or left side of the road;
- (5) Whoever causes any vehicle to remain or stand longer time than be necessary for loading or unloading except at places appointed for the purpose, so as to cause obstruction or in any way willfully obstructs or causes obstruction to the free passage of any thoroughfare;
- (6) Whoever is found drunk and incapable of taking care of himself and vehicle he drives or guilty of any riotous, disorderly or indecent behavior.

**Explanation.-** In this section "public place" means a place including a road, street or way, whether a thoroughfare or not, and a landing place to which the public are granted access or have a right to resorts or over which they have a right to pass.

3. (1) Any police officer may arrest without a warrant any person committing in his view any offence made punishable by this Act. **Arrest without warrant view of offence.**  
(2) Provisions of the Code of Criminal Procedure, 1973 shall apply to any arrest made or bond taken as if the arrest had been made and the bond has been taken under the said Code.
4. The State Government may designate any existing court as a special court to dispose of the cases under this Act in a time bound manner so as to achieve the desired object with reference to traffic nuisances. **Designation of a special court.**

#### STATEMENT OF OBJECTS AND REASONS

In the recent past particularly in urban areas and cities, incidents of "dhoom" type rash less driving, mischief and obstruction to citizens passing on the road has occurred much. Traffic regulations are not followed by people which causes hardship and sometime it become fatal and also turns in to loss of life.

There are also cases of unlawful parking of vehicle which causes obstruction to citizens.

In order to take appropriate measures and also to punish the guilty, it is considered necessary to frame a law on the subject and confer certain powers in addition to the power conferred to the authority under the Bombay Police Act, 1951.

Hence this Bill.

Dated the 8<sup>th</sup> February, 2018  
GANDHINAGAR.

GOVINDBHAI PATEL  
M.L.A.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respect :-

**Clause 1:-** Sub Clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 8<sup>th</sup> February, 2018  
GANDHINAGAR.

**GOVINDBHAI PATEL**  
M.L.A.

Gandhinagar.  
Dated the 28<sup>th</sup> February, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill Which Was introduced on the 28<sup>th</sup> February, 2018 by Shri Bharatbhai Patel, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

### GUJARAT BILL NO 13 OF 2018.

### THE GUJARAT SCHOOL GOING PUPILS HEALTH PROGRAMME BILL, 2018.

#### *A BILL*

*to provide for health check up and treatment to the school going pupils in the State.*

It is hereby enacted in the Sixty-Ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat School Going Pupils Health *Short title and commencement.*  
Programme Act, 2018.

- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.



**Definitions** 2. In this Act, unless the context otherwise requires, –

- (a) “Act” means the Gujarat School Going Pupils Health Programme Act, 2018.
- (b) “team” means the Medical Health Check Up team for the respective taluka.
- (c) “School going pupils” means the students up to the standard 12 enrolled in any Government or Private school.

**Teams of health check up.**

3. (1) In every taluka there shall be Medical Health Check Up team for health check up of school going pupils in the respective taluka.
- (2) The Medical Health Check Up team shall comprise of following members, namely :-
- (i) Taluka Medical Officer  
(President)
  - (ii) Taluka Education Officer  
(Vice – President)
  - (iii) All the Govt. Medical Officers  
of the respective taluka (members)
  - (iv) All the Govt. medical  
technicians of the respective  
taluka (members)

**Functions.** 4. The following shall be functions of the medical health check up team, namely :-

- (i) The Medical Health Check Up team of the taluka shall examine and check up all the school going pupils of the taluka every six month regularly.
- (ii) The reports in the health check up and medical examination shall be sent to all the parents of the pupil along with the school progress report sent by the school.
- (iii) The team also prescribe medicines and provide treatment to the pupils found suffering from any disease or found unhealthy.
- (iv) In case the team found any serious ailment which requires urgent treatment, it shall immediately inform the principal of the school, parents of the pupil and provide necessary medicine and health treatment immediately.

5. All the pupils who found unhealthy or suffering from any ailment shall be provided free medical treatment and medicines from the Government hospitals. *Free medical help.*

**STATEMENT OF OBJECTS AND REASONS**

Future of any nation lies in healthy childhood, who are future citizen of the nation. It is said that prevention is better than cure. Any kind of ailment if detected at early stage can be cured very easily and effectively. In view of this, it is important that a solid programme of health check up for young school going pupils are under taken by the Government and effective steps should be taken for the medical treatment and help to the needy pupils.

This Bill provides for the same.

Dated the 8<sup>th</sup> February, 2018  
GANDHINAGAR.

**BHARATBHAI PATEL**  
M.L.A.

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**Financial Memorandum**

The provisions of clause 5 if invoked will involve expenditure from the Consolidated Fund of the State. Roughly, it is estimated the yearly expenditure of Rs. 2 crores of recurring nature shall be incurred.

Dated the 8<sup>th</sup> February, 2018  
GANDHINAGAR.

**BHARATBHAI PATEL**  
M.L.A.

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**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Sub - Clause (2) of clause (1) empowers the State Government to appoint, by notification in the **Official Gazette**, the date on which the provisions of the Act shall come into force.

Dated the 8<sup>th</sup> February, 2018  
GANDHINAGAR.

**BHARATBHAI PATEL**  
M.L.A.

Gandhinagar.  
Dated the 28<sup>th</sup> February, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly



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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT (SUPPLEMENTARY) APPROPRIATION BILL, 2018.

### GUJARAT BILL NO. 14 OF 2018.

### A BILL

*to authorize payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2018.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2018. Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum ten thousand seven hundred ninety-two crores seven lakhs ninety-four thousands rupees towards defraying the several charges

Issue of  
₹ 1,07,92,07,94,000/-  
from and out of the  
Consolidated Fund  
of the State of  
Gujarat for the  
financial year  
2017-2018.

which will come in course of payment during the financial year ending on the thirty-first day of March, 2018, in respect of the services and purposes specified in column 2 of the Schedule.

**Appropriation. 3.** The sums authorized to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

**SCHEUDLE**  
(See sections 2 and 3)

Demand No. Voted/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
1	2	3	4	5	6
1	Agriculture and Co-operation Department	Revenue	1000	0	1000
2	Agriculture	Revenue	16707603000	0	16707603000
5	Co-operation	Revenue	2782683000	0	2782683000
		Capital	1000	0	1000
6	Fisheries	Revenue	694722000	0	694722000
9	Education	Revenue	29045440000	0	29045440000
10	Other Expenditure pertaining to Education Department	Capital	10000000	0	10000000
13	Power Projects	Revenue	10243423000	0	10243423000
		Capital	1000	0	1000
18	Pension and other Retirement Benefits	Revenue	0	52600000	52600000
20	Repayment of Debt pertaining to Finance Department and its servicing	Revenue	0	16000	16000
22	Civil Supplies	Revenue	161470000	0	161470000
23	Food	Revenue	0	427000	427000
26	Forests	Revenue	79796000	1678000	81474000
31	Elections	Capital	10000000	0	10000000
32	Public Service Commission	Revenue	49615000	0	49615000
34	Economic Advice and Statistics	Revenue	16513000	0	16513000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
35	Other Expenditure pertaining to General Administration Department	Revenue	0	324000	324000
		Capital	370993000	0	370993000
39	Medical and Public Health	Revenue	1000	0	1000
40	Family Welfare	Revenue	796036000	0	796036000
43	Police	Revenue	6208911000	0	6208911000
44	Jails	Revenue	242178000	0	242178000
46	Other Expenditure pertaining to Home Department.	Revenue	1257531000	5525000	1263056000
		Capital	287800000	0	287800000
49	Industries	Revenue	4923448000	0	4923448000
51	Tourism	Revenue	1000	0	1000
52	Other Expenditure pertaining to Industries and Mines Department	Revenue	1000	0	1000
		Capital	691000	0	691000
54	Information and Publicity	Revenue	1000	0	1000
57	Labour and Employment	Revenue	3238502000	0	3238502000
60	Administration of Justice	Revenue	1000	1000	2000
66	Irrigation and Soil Conservation	Capital	0	500000000	500000000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department.	Revenue	0	450000000	450000000
70	Community Development	Revenue	3052856000	0	3052856000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
71	Rural Housing and Rural Development	Revenue	483706000	0	483706000
72	Compensation and Assignments	Revenue	587380000	0	587380000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	972080000	0	972080000
74	Transport	Revenue	1090090000	0	1090090000
		Capital	686900000	0	686900000
78	District Administration	Revenue	1000	4083000	4084000
79	Relief on account Natural Calamities	Revenue	15034521000	0	15034521000
		Capital	53300000	7695000	60995000
81	Compensation and Assignment	Revenue	516690000	26237000	542927000
82	Other Expenditure pertaining to Revenue Department	Revenue	238000	0	238000
83	Roads and Buildings Department	Revenue	49600000	0	49600000
84	Non-Residential Buildings	Revenue	144465000	6000000	150465000
		Capital	1000	0	1000
85	Residential Buildings	Revenue	0	214000	214000

Demand No. Voted/ Appropriation	Services and Purposes	Revenue/ Capital	Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
			₹	₹	₹
86	Roads and Bridges	Revenue	355313000	1000	355314000
		Capital	2591635000	28000000	2619635000
87	Gujarat Capital Construction Scheme	Capital	599278000	1200000	600478000
88	Other Expenditure pertaining to Roads and Buildings Department	Revenue	1576000	30000000	31576000
92	Social Security and Welfare	Revenue	19784000	0	19784000
		Capital	2000	0	2000
93	Welfare of Scheduled Tribes	Revenue	208925000	0	208925000
95	Scheduled Castes Sub-Plan	Revenue	204461000	0	204461000
96	Tribal Area Sub- Plan	Capital	1000	0	1000
100	Urban Development and Urban Housing Department	Revenue	599000	0	599000
101	Urban Housing	Revenue	0	76025000	76025000
102	Urban Development	Capital	950000000	0	950000000
103	Compensation, Assignment and Tax Collection Charges	Revenue	2000000000	0	2000000000
106	Other Expenditure pertaining to Women and Child Development Department	Revenue	3000	0	3000
Total Revenue		Revenue	101170165000	653131000	101823296000
Total Capital		Capital	5560603000	536895000	6097498000
Grand Total			106730768000	1190026000	107920794000



**STATEMENT OF OBJECTS AND REASONS**

This Bill is introduced in pursuance of article 204 of the Constitution of India read with article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the financial year ending on the thirty-first day of March, 2018.

The amounts are shown below :-

₹

(a)	Revenue Expenditure	101823296000
-----	---------------------	--------------

(b)	Capital Expenditure	6097498000
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**Total :-**

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107920794000

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Dated the 1<sup>st</sup> March, 2018.

**NITIN PATEL.**

By order and in the name of the Governor of Gujarat,

Gandhinagar  
Dated the 1<sup>st</sup> March, 2018

**K. M. LALA,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary Affairs Department.

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सत्यमेव जयते

# The Gujarat Government Gazette

## EXTRAORDINARY

### PUBLISHED BY AUTHORITY

Vol. LIX ]

THURSDAY, MARCH 8, 2018/PHALGUNA 17, 1939

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

#### PART V

#### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill which was introduced on 8<sup>th</sup> March, 2018 by Shri Virjibhai Thummar, M.L.A. is published under rule 127-A of the Gujarat Legislature Assembly Rules for general information.

#### Gujarat Bill No. 15 OF 2018.

#### THE GUJARAT STATE VIGILANCE COMMISSION BILL, 2018.

#### A BILL

*to provide for the constitution of the Gujarat State Vigilance Commission to inquire or cause inquiries to be conducted into offences alleged to have been committed under the Prevention of Corruption Act, 1988, by certain categories of public servants of the State Government, corporations, established by or under any State Act, Government companies, societies, local authorities, owned or controlled by the State Government and for the matters connected therewith or incidental thereto.*

It is hereby enacted in the Sixty-Ninth Year of the Republic of India as follows :-

#### CHAPTER I Preliminary

1. (1) This Act may be called the Gujarat State Vigilance Commission Act, 2018.

Short title and  
commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In this Act, unless the context otherwise requires,—

**Definitions.**

- (a) "Commission" means the Gujarat State Vigilance Commission, constituted under sub-section (1) of section 3;
- (b) "Government company" shall have the same meaning as assigned to it in the Companies Act, 1956 ;
- (c) "prescribed" means prescribed by rules made under this Act ;
- (d) "State Government" means the Government of the State of Gujarat;
- (e) "State Chief Vigilance Commissioner" means the State Chief Vigilance Commissioner, appointed under sub-section (1) of section 4;
- (f) "Vigilance Commissioner" means a Vigilance Commissioner, appointed under sub-Section (1) of section 4; and
- (g) "Vigilance and Police Establishment "means the Vigilance Bureau or the Police, entrusted with the inquiry and investigation of an offence under the Prevention of Corruption Act, 1988 or an offence with which a public servant may, under the Code of Criminal Procedure,- 1973, be charged at the same trial.

## CHAPTER II

### The Gujarat State Vigilance Commission

**Constitution of the Commission.**

3. (1) There shall be constituted a body to be known as the Gujarat State Vigilance Commission to exercise the powers conferred upon, and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of -

- (a) the State Chief Vigilance : Chairperson  
Commissioner; and
- (b) not more than two Vigilance : Members  
Commissioners.

(3) The State Chief Vigilance Commissioner shall be appointed from amongst the persons, who have been or are in an All India Service or in any Civil Service of the Union or; State or in a Civil post under the Union or State having knowledge and experience in matters relating to vigilance, policy making and administration including police administration and in the rank and scale of Secretary to Government of India or the Chief Secretary of the State or who have been a Judge of the High Court.

(4) The Vigilance Commissioners shall be appointed from amongst the persons, who have been or are in an All India Service or in any Civil Service of the Union or State or in a civil post under the Union or State or a Government Company under or controlled by the Central Government or the State Government, and who have expertise and experience in finance including insurance and-banking, law, vigilance and investigations in the rank and pay scale of the Additional Secretary to Government of India or the Secretary of the State.

(5) The State Government shall appoint a Secretary to the Commission on such terms and conditions, as it deems fit to exercise such powers and discharge such duties, as the Commission may by regulations specify in this behalf;

(6) The headquarters of the Commission shall be at Gandhinagar.

4, (1) The State Chief Vigilance Commissioner and the Vigilance Commissioners shall be appointed by the Governor by warrant under his hand and seal:

**Appointment of the State Chief Vigilance Commissioner and the Vigilance Commissioners.**

Provided that every appointment under this sub-section shall be made on the recommendation of a Committee consisting of-

- |     |  |   |          |
|-----|--|---|----------|
| (a) | the Chief Minister, Gujarat                            | : | Chairman |
| (b) | the Speaker<br>of the Gujarat Vidhan Sabha; and        | : | Member   |
| (c) | the leader of the opposition<br>of Gujarat Vidhansabha | : | Member   |
| (d) | the Chief Secretary to<br>Government of Gujarat        | : | Member   |

(2) No appointment of the State Chief Vigilance Commissioner or a Vigilance Commissioner shall be invalid merely by reason of any vacancy in or any defect in the constitution of the Committee.

5. (1) Subject to the provisions of sub-sections (3) and (4), the State Chief Vigilance Commissioner shall hold office for a term of six years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier. The State Chief Vigilance Commissioner, on ceasing to hold the office, shall be ineligible for reappointment in the Commission.

**Terms and other conditions of service of the State Chief Vigilance Commissioner and Vigilance Commissioners.**

(2) Subject to the provisions of sub-sections (3) and (4), every Vigilance Commissioner shall hold office for a term of six years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier.

(3) The State Chief Vigilance Commissioner or a Vigilance Commissioner shall, before he enters upon his office, make and subscribe before the Governor, or some other person appointed in that behalf by him, an oath or affirmation in the Form, appended to this Act.

(4) The State Chief Vigilance Commissioner or a Vigilance Commissioner may, by writing under his hand, addressed to the Governor, resign his office.

(5) The State Chief Vigilance Commissioner or a Vigilance Commissioner may be removed from his office in the manner provided in section 6.

(6) On ceasing to hold office, the State Chief Vigilance Commissioner and every other Vigilance Commissioner shall be ineligible for—

- (a) any assignment or appointment, which is required by law to be made by the Governor by warrant under his hand and seal ; and
  - (b) further employment to any office of profit under the State Government.
- (7) The salary and allowances payable to and the other conditions of service of—
- (a) the State Chief Vigilance Commissioner shall be the same as those of the Secretary to Government of India or the Chief Secretary of the State or a Judge of the High Court, as the case may be ; and
  - (b) the Vigilance Commissioner shall be the same as those of the Additional Secretary to Government of India or the Secretary of the State, as the case may be:

Provided that if the State Chief Vigilance Commissioner or any Vigilance Commissioner is, at the time of his appointment, in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or under the State Government, his salary in respect of the service as the State Chief Vigilance Commissioner or any Vigilance Commissioner, as the case may be, Shall be reduced by the amount of that pension including any portion of pension, which was commuted and pension equivalent to other forms of retiral benefits, excluding pension equivalent to retirement gratuity :

Provided further that if the State Chief Vigilance Commissioner or any Vigilance Commissioner is, at the time of his appointment, in receipt of retiral benefits in respect of any previous service rendered in a corporation, established by or under any State Act or a Government company, owned or controlled by the State Government, his salary in respect of the service as the State Chief Vigilance Commissioner or, as the case may be, the Vigilance Commissioner, shall be reduced by the amount of pension equivalent to the retiral benefits :

Provided further that the salary, allowances and pension payable to and the other conditions of service of the State Chief Vigilance Commissioner or any Vigilance Commissioner shall not be varied to his disadvantage after his appointment.

**Removal of the State  
Chief Vigilance  
Commissioner and the  
Vigilance  
Commissioners.**

6. (1) Subject to the provisions of sub-section (3), the State Chief Vigilance Commissioner or any Vigilance Commissioner shall be removed from his office only by order of the Governor on the ground of proven misbehaviour or incapacity after the High Court, on a reference made to it by the Governor, has, on inquiry, reported that the State Chief Vigilance Commissioner or any Vigilance Commissioner, as the case may be, ought on such ground be removed.

(2) The Governor may suspend from office and if, deemed necessary, prohibit also from attending the office during inquiry the State Chief Vigilance Commissioner or any Vigilance Commissioner, as the case may be, in respect of whom a reference has been made to the High Court under sub-section (1) until the Governor has passed orders on receipt, of the report of the High Court on-such-reference.

(3) Notwithstanding anything contained in sub-section (1), the Governor may, by order, remove from office of the State Chief Vigilance Commissioner or any Vigilance Commissioner, if the State Chief Vigilance Commissioner or such Vigilance Commissioner, as the case may be,—

- (a) is adjudged an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude ; or
- (c) engages during his term of office in any paid employment outside the duties of his office ; or
- (d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body ; or
- (e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a State Chief Vigilance Commissioner or a Vigilance Commissioner.

(4) If the State Chief Vigilance Commissioner or any Vigilance Commissioner is or becomes in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or Government of the State participates in any way in the profit thereof or is in any benefit or emolument arising therefrom otherwise than as a member and is in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

**Government of the State.**

7. The State Government may in consultation with the Commission, make rules with respect to the number of members of the staff of the Commission and their conditions of service.

**Power to make rules for the staff.**

### **CHAPTER III**

#### **Powers and functions of the State Vigilance Commission**

8. (1) The powers and functions of the Commission shall be to—

**Powers and functions of the State Vigilance Commission.**

(a) exercise superintendence and control over the functioning of the Vigilance and Police Establishment in so far as it relates to investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 or offences with which a public servant Specified in sub-section (2) may, under the Code of Criminal Procedure, 1973, be charged at the same trial:

Provided that While exercising the powers of superintendence, the Commission shall not exercise powers in such a manner so as to require the Vigilance Bureau to investigate or dispose of any case in a particular manner;

- (b) give directions to the Vigilance and Police Establishment for the purpose of discharging the responsibilities entrusted to it with reference to offences alleged to have been committed under the Prevention of corruption Act; 1988 or offences with which a public servant may, under the Code of Criminal Procedure, 1973, be charged at the Same trial :

Provided that while exercising the powers of giving directions, the Commission shall not exercise powers in such a manner so as to require the Vigilance Bureau to investigate or dispose of any case in a particular manner;

- (c) inquire or Cause an inquiry or investigation to be made on a reference made by the State Government, wherein it is alleged that a public servant being an employee of the State Government or a corporation, established by or under any State Act, government company, society and any local authority, owned or controlled by the State Government, has committed an offence under the Prevention of Corruption Act, 1988 or an offence with Which a public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial;
- (d) inquire or cause an inquiry or investigation to be made into any complaint against any official belonging to such, category of officials specified in sub-section (2) wherein, it is alleged that he has committed an offence under the Prevention of Corruption Act, 1988 or an offence with which a public servant; specified in sub-section (2) may, under the Code of Criminal Procedure, 1973, be charged at the same trial;
- (e) review the progress of investigations conducted by the Vigilance and Police Establishment into offences alleged to have been, committed under the Prevention of Corruption Act, 1988 or offence with which a public servant may, under the Code of Criminal Procedure 1973, be charged at the same trial;
- (f) review the progress of applications pending with the competent authorities for sanction of prosecution Under the Prevention of Corruption. Act, 1988; or
- (g) tender advice to the State Government, corporations, established by or under any State Act, Government companies, societies and local authorities, owned or controlled by the Central Government, on vigilance cases related to the officers under its purview, and on such other matters, as may be referred to it by that Government, said Government companies, societies and local authorities, owned or controlled by the State Government; and



- (h) exercise superintendence over the Vigilance Administration of the various departments of the State Government or corporations, established by or under any State Act, Government companies, societies and local authorities; owned or controlled by that Government:

Provided that while exercising its powers to exercise superintendence over the Vigilance Administration, the Commission shall give due consideration to the instructions issued by the Central Vigilance Commission, established under the Central Vigilance Commission Act, 2003 (Central Act No. 45 of 2003).

(2) The persons referred to in clause (d) of sub-section (1), are as follows:—

- (a) members of All India Services serving in connection with the affairs of the State and Group 'A' officers of the State Government;
- (b) such other level of officers holding civil posts under the State Government, as that Government may, by notification in the Official Gazette, specify in this behalf; and
- (c) such level of officers of the corporations, established by or under any State Act, Government companies, societies and other local authorities, owned or controlled by the State Government, as that Government may, by notification in the Official Gazette, specify in this behalf:

Provided that till such time a notification is issued under sub-clauses (b) and (c), all officers of the State Government, and the said corporations, companies, societies and local authorities shall be deemed to be the persons referred to in clause (d) of sub-section (1)

9. (1) The report of any inquiry undertaken by any agency on a reference made by the Commission shall be forwarded to the Commission.

**Report of any inquiry made on reference by Commission to be forwarded to the Commission.**

(2) The Commission shall, on receipt of such report and after taking into consideration any other factors relevant thereto, advise the State of Government and corporations, established by or under any State Act, Government companies, societies and local authorities, owned or controlled by that Government, as the case may be, as to the further course of action.

(3) The State Government and the corporations, established by or under any State Act, Government companies, societies and other local authorities, owned or controlled by that Government, as the case may be, shall consider the advice of the Commission and take appropriate action :



Provided that where the State Government, any corporation, established by or under any State Act, Government company, society or local authority, owned or controlled by the State Government, as the case may be, does not agree with the advice of the Commission, it shall, for the reasons to be recorded in writing, communicate the same to the Commission.

**10. (1)** The proceedings of the Commission shall be conducted at its headquarters.

Proceedings of  
the Commission.

(2) The Commission shall regulate the procedure for the transaction of its business and the allocation of business amongst the State Chief Vigilance Commissioner and other Vigilance Commissioners by such regulations, as may be made by it under this Act.

(3) Save as provided in sub-section (2), all business of the Commission, shall, as far as possible, be transacted unanimously.

(4) Subject to the provisions of sub-section (3), if the State Chief Vigilance Commissioner and other Vigilance Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.

(5) The State Chief Vigilance Commissioner, or, if for any reason, he is unable to attend any meeting of the Commission, the senior-most Vigilance Commissioner present at the meeting, shall preside over the meeting.

(6) No act or proceeding of the Commission shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of the Commission; or
- (b) any defect in the appointment of a person acting as the State Chief Vigilance Commissioner or as a Vigilance Commissioner;
- or
- (c) any irregularity in the procedure of the Commission not affecting the merits of the case.

**11. (1)** In the event of the occurrence of any vacancy in the office of the State Chief Vigilance Commissioner by reason of his death, resignation or otherwise, the Governor may, by notification, authorise one of the Vigilance Commissioners to act as the State Chief Vigilance Commissioner, until the appointment of a new State Chief Vigilance Commissioner to fill such vacancy, is made.

Vigilance  
Commissioner to  
as a State Chief  
Vigilance  
Commissioner in  
certain  
circumstances.

(2). When the State Chief Vigilance Commissioner is unable to discharge his functions owing to absence on leave or otherwise, such one of the Vigilance Commissioners, as the Governor may, by notification, authorise in this behalf, shall discharge the functions of the State Chief Vigilance Commissioner until the date on which the State Chief Vigilance Commissioner resumes his duties.

**Powers relating to inquiries.**

**12.** The Commission shall while conducting any inquiry referred to in clauses (c) and (d) of sub-section (1) of section 8, have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908 and in particular, in respect of the following matters, namely :-

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath ;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office
- (e) issuing commissions for the examination of witnesses or other documents; and
- (f) any other matter which may be prescribed

**13.** All proceedings before the Commission shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code, 1860, and the Commission shall be deemed to be a "Civil Court" for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

#### **CHAPTER IV** **Expenses and Annual Report**

**14.** The expenses of the Commission, including any salaries, allowances and pensions payable to or in respect of the State Chief Vigilance Commissioner, the Vigilance Commissioners, Secretary and the staff of the Commission, shall be charged on the Consolidated Fund of the State.

**Expenses of the Commission to be charged on the Consolidated Fund of the State.**

**15. (1)** It shall be the duty of the Commission to present annually to the Governor a report as to the work done by the Commission within six months of the close of the year under report.

**Annual Report**

**(2)** The report referred to in sub-section (1), shall contain a separate part on the functioning of the Vigilance and Police Establishment in so far as it relates to the action with reference to the alleged offences under the Prevention of Corruption Act, 1988, or offences with which a public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial.

**(3)** On receipt of such report the Governor shall cause the same to be laid before the House of the State Legislature.

**(4)** A copy of the report submitted to the Governor shall also be submitted to the Commission.

#### **CHAPTER V**

##### **Miscellaneous**

**16.** No suit, prosecution or other legal proceeding shall lie against the Commission, the State Chief Vigilance Commissioner, any Vigilance Commissioner, the Secretary or against any staff of the Commission in respect of anything, which is in good faith done or intended to be done under this Act.

**Protection of actions taken in good faith.**

State Chief  
Vigilance,  
Commissioner,  
Vigilance  
Commissioners  
and staff to be  
public servants.

**17.** The State Chief Vigilance Commissioner, every Vigilance Commissioner, the Secretary and every staff of the Commission, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Power to call for  
information.

**18.** The Commission may call for reports, returns and statements from the State Government or corporations, established by or under any State Act. Government companies, societies and other local authorities, owned or controlled by that Government so as to enable it to exercise general supervision over the vigilance and anti-corruption work in that Government and in the said corporations Government companies, societies and local authorities.

Consultation  
with the  
Commission in  
certain matters.

**19. (1)** The State Government in making any rules or regulations governing the vigilance or disciplinary matters relating to persons, appointed to public services and posts in connection with the affairs of the State, shall consult the Commission.

(2) The State Government shall while taking a decision with reference to its powers under section 25 or with regard to the action to be taken against a public servant with reference to vigilance matters, shall consult the Commission.

Power to make  
rules.

**20. (1)** The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the number of members of the staff and their conditions of service under section 7;
- (b) any other matter required under; clause (f) of section 12 ;  
and
- (c) any other matter which is required to be, or may be prescribed.

Power to make  
regulations.

**21. (1)** The Commission may, with the previous approval of the State Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made thereunder to provide for all matters for which provision is expedient for the purposes of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :-

- (a) the duties and the powers of the Secretary under sub-section (4) of section 3; and
- (b) the procedure to be followed by the Commission under sub-section (2) of Section 10.

**22.** Every notification issued under clause (b) of sub-section (2) of section 8, and every rule made by the State Government, and every regulation made by the Commission under this Act, shall be laid, as soon as may be, after it is issued or made, before the House of the State Legislature, while it is in session, for a total period of ten days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modification in the notification or the rule or regulation, or the House agrees that the notification or the rule or regulation, as the case may be, should not be made, the notification or the rule or regulation shall thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the Validity of anything previously done under that notification or rule or regulation.

**Notification rule etc. to be laid before the Legislative Assembly**

**Power to remove difficulties.**

**23. (1)** If any difficulty, arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before; the House of the State Legislature.

**24.** Notwithstanding anything contained in any other law for the time being in force,-

**Appointments etc. of officers of Directorate of Vigilance**

(a) the State Government shall appoint the Chief Director of Vigilance for the State on the recommendation of the Committee consisting of

- |   |             |
|---|-------------|
| (i) the Chief Minister, Gujarat;                      | Chairperson |
| (ii) the State Chief Vigilance Commissioner; and      | Member      |
| (iii) the leader of opposition of Gujarat Vidhansabha | Member      |
| (iv) the Chief Secretary to Government of Gujarat;    | Member      |

(b) while making a recommendation, the Committee shall take into consideration the integrity, conduct and experience of the officers eligible for appointment ;

(c) no person below the rank and scale of Director General of Police or Additional Director General of Police of the State shall be appointed as a Chief Director of Vigilance

(d) the Chief Director of Vigilance shall not be transferred before he has rendered Service as such for a minimum period of two years :

Provided that the Chief Director of Vigilance may be transferred before two years with the previous consent of the Committee referred to in clause (a);

(e) officers of the rank of Deputy Superintendent of Police and above, shall be appointed in the Vigilance Bureau on the recommendation of a Committee comprising of,—

- |       |   |             |
|-------|---|-------------|
| (i)   | the State Chief Vigilance Commissioner;           | Chairperson |
| (ii)  | the Chief Secretary to Government of Gujarat; and | Member      |
| (iii) | the leader of opposition of Gujarat Vidhansabha   | Member      |
| (iv)  | the Chief Director, Vigilance Bureau;             | Member      |

(f) on receipt of the recommendation made under clauses (a) and (e), the State Government shall pass such orders, as it thinks fit to give effect to the said recommendations.

Approval of the State Government to conduct inquiry or investigation.

**25. (1)** Notwithstanding anything contained in any other law for the time being in force, the Vigilance and Police Establishment shall not conduct any inquiry or investigation into any offence alleged to have been committed under the Prevention of Corruption Act, 1988, or an offence with which a public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial, except with the prior approval of the State Government where the allegation relates to,

- (a) Group 'A' officers of the State Government; and
- (b) such officers, as are appointed by the State Government in corporations, established by or under any State Act, Government companies, societies and local authorities, owned or controlled by that Government.

(2) Notwithstanding anything contained in sub-section (1), no such approval shall be necessary for the cases involving arrest of a person on the spot on the charge of accepting or attempting to accept any gratification other than the legal remuneration referred to in clause (c) of the Explanation to section 7 of the Prevention of Corruption Act, 1988.

#### FORM

[See section 5(3)]

#### **Form of oath or affirmation to be made by the State Chief Vigilance Commissioner or Vigilance Commissioner**

"I, \_\_\_\_\_, having been appointed the State Chief Vigilance Commissioner or Vigilance Commissioner of the Gujarat State Vigilance Commission, do Swear in the name of God that I will bear true faith and solemnly affirm allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws."

## STATEMENT OF OBJECTS AND REASONS

While there is a Central Vigilance Commission established under the Central Vigilance Commission Act, 2003 to inquire or cause to be inquired into offences alleged to have been committed under the Prevention of Corruption Act, 1988 by the public servants of the Central Government, there is no such act in the State of Gujarat. The corruption among public servants has become a serious problem, which has adversely affected the public service delivery system and the same is required to be tackled more effectively. However, the State Government has already constituted the Gujarat State Vigilance Commission under the government resolution. In the absence of specific legislation, the present State Vigilance Commission is lacking statutory recognition. At the centre and in some other states, there are legislations for the efficient functioning of their Vigilance Commissions.

Therefore, In order to confer statutory status to the existing commission and to regulate its affairs in an efficient and transparent manner, It is, necessary to bring legislation for the State of Gujarat. The object of bringing legislation for the State Vigilance Commission is to set up an independent statutory body to exercise superintendence and control over the functioning of Vigilance and Police establishment in respect of investigation of offences under the Prevention of Corruption Act, 1988 more effectively.

Dated : 14<sup>th</sup> February, 2018.  
Gandhinagar.

**VIRJIBHAI THUMMAR,**  
M.L.A.

## FINANCIAL MEMORANDUM

The State Government proposes to constitute State Vigilance Commission on the pattern of Central Vigilance Commission. To achieve this object, Under the proposed law, there shall be one State Chief Vigilance Commissioner and two Vigilance Commissioners and other establishment to assist the State Vigilance Commission. As per tentative estimates, this will involve non-recurring expenditure of Rs. 50 Lacs (Rupees Fifty Lacs only) and recurring annual expenditure of Rs. Fifty Lacs from the consolidated fund of the state.

Dated : 14<sup>th</sup> February, 2018.  
Gandhinagar.

**VIRJIBHAI THUMMAR,**  
M.L.A.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Sub-clauses (2) and (5) of clause 3 empowers the State Govt, of appoint Chief Commissioner, Commissioners and Secretary respectively.

Clause 7 of the Bill empowers the State Govt. to make rules with respect to the number of members of the Staff and their service condition.

Clause 8 of the Bill empowers the State Govt. to specify level of officers of the Commission.

Clause 20 of the Bill empowers the State Govt. to make rules for carrying out the purposes of this Act.

Clause 24 empowers the State Govt. to appoint Director and Officers of the Directorate of Vigilance.

Dated : 14<sup>th</sup> February, 2018.  
Gandhinagar.

**VIRJIBHAI THUMMAR,**  
M.L.A.

Gandhinagar.  
Dated the 8<sup>th</sup> March, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill Which Was introduced on 8<sup>th</sup> March, 2018 by Shri Purneshbhai Modi, M.L.A. is published under rule 127-A of the Gujarat Legislature Assembly Rules for general information.

### GUJARAT BILL No. 16 OF 2018.

### THE GUJARAT PREVENTION OF DAMAGE AND LOSS TO PUBLIC PROPERTY BILL, 2018

#### A BILL

to provide for punishment and compensation for damage and loss caused to public property in the State of Gujarat and matters connected therewith .

It is hereby enacted in the Sixty –ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Prevention of Damage and Loss to Public Property Act, 2018

**Short title and extent.**

- (2) It shall extend to the whole of the State of Gujarat.

2. In this Act, unless the context otherwise requires,-

**Definitions.**



(i) “Government” means the State Government;

(ii) “property” means any movable or immovable property under the control of-

(a) the Central Government;

(b) the State Government;

(c) the local authority; Statutory Board or Corporation of the State Government;

(d) statutory Universities in the State.

And also includes bus stands, milestones, road signs and compounds walls of the aforementioned property.

**3. Whoever-**

(i) commits any mischief by doing any act, in respect of any property and thereby causes damage or loss to such property;.

**Punishment  
for  
committing  
mischief in  
respect of  
property.**

(ii) commits mischief by doing any act which causes diminution of water supply to public or obstruction to any public drainage;

(iii) commits mischief by doing any act which renders any public road, bridge, impassable or unsafe for travelling;

Shall be punished with imprisonment for a term not exceeding six months and with a fine upto rupees twenty thousand.

**Mischief  
causing  
damage to  
property.**

**4.** Whoever commits mischief by fire or any explosive substance knowing that it will thereby cause damage to any property shall be punished with imprisonment not exceeding one year and with fine which may extend upto rupees twenty thousand.

**Punishment for  
throwing  
stones,bricks  
etc. on motor  
vehicles or  
persons  
travelling**

**5.** Whoever commits or abets the act of throwing stones, bricks, soda bottles upon persons travelling in motor vehicle shall be punished with imprisonment not exceeding one year and with a fine not exceeding rupees twenty thousand.

**Release  
on bail.**

**6.** No person accused of an offence punishable under this Act shall, if in custody, be released on bail unless the prosecution has been given opportunity to oppose the application.

- |                                |  |
|--------------------------------|--|
| <b>Trial and compensation.</b> | 7. All offences under this Act shall be tried by a Court of Chief Metropolitan Magistrate, and the Court may while imposing fine for an offence shall also take into consideration the portion of fine to be applied for the compensation to be paid to the victims. |
| <b>Power to make</b>           | 8. The State Government may make rules for carrying out all or any of the provisions of this Act.  |
| <b>Provisions of Act.</b>      | 9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.  |

**STATEMENT OF OBJECTS AND REASONS**

Incidents of damage to public property are increasing day to day. Employees, student and public at large while protesting for their rights, some time take law in their hand and leadership of organization of such people also encourages unauthorized mean for demonstration. Ultimately the target is public property which suffers huge loss.

In order to provide for adequate punishment to culprits and also to compensate the persons or institute who has suffered a loss, it is considered necessary to enact a law.

Hence this Bill.

Dated the 14<sup>th</sup> February 2018  
Gandhinagar.

PURNESHBHAI MODI  
M.L.A.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respect: -

**Clause 8** This clause empowers the State Government to make rules for the purpose of carrying out all or any of the provision of the Act.

The Delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 14<sup>th</sup> February 2018  
Gandhinagar.

PURNESHBHAI MODI  
M.L.A.

Gandhinagar.  
Dated the 8<sup>th</sup> March, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly

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## PART V

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(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill which was introduced on 8<sup>th</sup> March, 2018 by Shri Vallabhbbhai Kakadia, M.L.A., is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

### GUJARAT BILL No. 17 OF 2018.

### THE GUJARAT PERSONS WITH DISABILITY (REHABILITATION AND WELFARE) BILL, 2018

#### A BILL

*to provide for Rehabilitation and welfare to persons with disability in the State of Gujarat and for matters connected therewith.*

It is hereby enacted in the Sixty Ninth year of the Republic of India as follows:-

- 1.(1) This Act may be called the Gujarat Persons with Disability (Rehabilitation and Welfare) Bill, 2018.
- (2) It extends to the whole of State of Gujarat.
- (3) It shall come into force with immediate effect.

**Short title,  
extent and  
commencement.**

**Definitions.**

2. In this Act, unless the context otherwise requires.-

- (a) 'Government' means the Government of Gujarat.
- (b) 'Persons with Disability' means a person who has lost any limb of his body or has become handicapped so as not to be able to do any manual work to earn livelihood.
- (c) 'Board' means a Medical Board established by the Government in the Civil Hospital.
- (d) 'prescribed authority' means a Director of Social Welfare in the State.
- (e) 'prescribed' means prescribed by rules.

**Application of the provision.**

3. The provision of this Act shall apply to persons who have been residing within the state of Gujarat for a continuous period of not less than five years immediately preceding the date of an application for Rehabilitation and Welfare and have been satisfying all other conditions under this Act or rules made thereunder.

**Reservation in Job.**

4.(1) One per cent of total number of posts wherein no major manual work is related shall be filled in the State Government department in every Calendar year from amongst the persons with disability.

(2) Persons with Disability shall be offered a job in the same Taluka or as far practicable in the nearest Taluka having his residence.

**Payment of Subsistence allowance.**

5. These shall be paid out of the Consolidated Fund of the State a monthly subsistence allowance of Rs one thousand five hundred rupees to every person with disability irrespective of his age, provided he has applied for the same in the prescribed form and satisfies the criteria for the same as may be prescribed:

Provided that such allowance shall be discontinued on his appointment under the Government.

**Application and Grant of Subsistence Allowance.**

6.(1) All application for payment of subsistence allowance shall be addressed to the prescribed authority or any other officer authorised by him in the District in such form alongwith such fee as may be prescribed by the Government which shall not exceed fifty rupees.

(2) The applicant shall require to produce before the prescribed authority, a certificate for Disability obtained from a Board alongwith the application form certifying that the person is not able to do any manual work and also a certificate obtained from Taluka Mamlatdar where he resides, showing that his annual income from all other sources does not exceed rupees ten thousand.

(3) The prescribed authority after scrutinizing the application received under sub-section (2) above may approve or disapprove the same:

Provided that where an application is rejected the applicant shall be communicated the reason for such rejection:

Provided further that in case of applicant where application is rejected for want of requisite information and documentary proof, he shall be entitled to apply afresh for the subsistence allowance.

(4) Applicant whose application is granted for subsistence allowance shall be issued a Payment Certificate alongwith a booklet showing details of payment monthwise in the prescribed form and he shall require to produce the same before the Treasury Officer from where he is receiving payment.

7. The State Government may subject to the condition of previous publication in the *Official Gazette* make rules for carrying out the provisions of this Act.

**Power to  
make rules**

**STATEMENT OF OBJECTS AND REASONS**

Persons with disability faces social as well as financial problem in the society. The person who has lost any limb of his body and has become unable to do any manual work is at the mercy of other people. He is discarded in society also. With a view to provide adequate financial help for his livelihood, it is necessary to provide for reservation in Government job or subsistence allowance by the State to such person.

The Bill provides for the aforesaid object.

Dated 14<sup>th</sup> February, 2018  
Gandhinagar.

VALLABHBHAI KAKADIA  
M.L.A.

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**FINANCIAL MEMORANDUM**

The Bill provides for subsistence allowance to persons with disability from the Consolidated Fund of the State. It is not possible to work out exact amount of necessary expenditure by way of payment as it may vary with number of beneficiaries.

Dated 14<sup>th</sup> February, 2018  
Gandhinagar.

VALLABHBHAI KAKADIA  
M.L.A.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill involves delegation of legislative powers in the following respects:-

*Clause 6* of the Bill empowers the State Government to prescribe by rules application form and fees for the purpose of subsistence allowance.

It also empowers the State Government to prescribe by rules, form for the purpose of Payment Certificate and booklet for details of subsistence allowance.

*Clause 7* of the Bill empowers the State Government to make rules for carrying out the provisions of the Act.

The delegation of legislative powers as proposed is necessary and is of a normal character.

Dated 14<sup>th</sup> February, 2018  
Gandhinagar.

VALLABHBHAI KAKADIA  
M.L.A.

Gandhinagar.  
Dated the 8<sup>th</sup> March, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly

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(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill Which Was introduced on 8<sup>th</sup> March, 2018 by Shri ketanbhai Inamdar, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

### GUJARAT BILL No. 18 OF 2018.

### THE GUJARAT SPORTS ACTIVITY ENCOURAGEMENT BILL, 2018

#### A BILL

To provide for the constitution of Sports Activity Encouragement Authority to encourage the activities of sports in the State of Gujarat and for the matters connected therewith.

It is hereby enacted in the sixty ninth year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Sport Activity Encouragement Act, 2018
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.

Short title,  
extent and  
commencement

- 2.** In this Act, unless the context otherwise requires,-
- (a)“Authority” means the Gujarat State Sports Encouragement Authority constituted under section 3.
- (b)“Prescribed” means prescribed by rules made under section 7.
- 3.** The State Government shall constitute a authority to be called the Gujarat Sports Activity Encouragement Authority consisting of following twelve members to promote the activities of sports and to qualify the sportsmen for participation in National and International events of different games.
- (i)four members from the All India Body of Sports recognized by Central Government;
- (ii)five members from amongst eminent personalities connected with the gymnastic activities;
- (iii)one members from the State Government Officials dealing with the Activities of sports.
- (iv)Secretary to Government , Department of Sport Youth & Culture Activities Department.
- (V)the Minister in-charge of sports shall be an ex-officio Chairman of the Authority.
- 4.** The function of the Authority shall be to undertake activities which may promote necessary and all round development of the youths of the State of Gujarat and preparing them to qualify for participation in National and International events of different sports.
- 5.** For the purpose of this Act, the State Government shall:-
- (i)make the activities of sports compulsory for the students up to the highest education.
- (ii)open Gymnasiums, Sports Clubs and Swimming Pools for systematic training to the sportsmen.
- (iii)workout a scheme for spending Central Government funds provided for the purpose.
- 6.** The sportsmen selected for participation in National or International games shall be given special concession in their examination marks and attendance in their educational institution and such other facilities as may be prescribed by the State Government.
- 7.** The State Government may by notification in the Official Gazette, make rules to carrying out the purposes of this Act.

**Definitions****Constitution of Gujarat Sports Encouragement Authority.****Functions of the Authority****Encourage-ment sports activities****Facilities to sportsmen****Power to make rules**

**STATEMENT OF OBJECTS AND REASONS**

It is our common experience that though our youths are very energetic and capable, they are not shining at National - International Sports meet. Their poor performance is due to the poor coaching and training in India. Moreover, if Gujarat has to perform its responsibility in the Sports front rank, it will have to encourage its youth in all aspects. In Socialist Countries, we find best Gymnasiums, Sports Clubs, Stadiums are run by the Government and the young boys and girls are given complete free training with best of the coaches and find the outstanding results in the International Sports Meet. The State should have its own Gymnasiums, Sports Clubs, Stadiums, Swimming Pools in big and small cities of Gujarat. Health and vigourof youth should have its due priority. Hence it is proposed to constitute the Authority to achieve the aforesaid object.

Dated 14<sup>th</sup> February 2018  
Gandhinagar.

KETANBHAI INAMDAR  
M.L.A.

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**FINANCIAL MEMORANDUM**

For forming the Gujarat State Sports Encouragement Authority, Starting of Sports Clubs, Gymnasiums, Swimming Pools etc. and appointment of competent coaches, an expenditure of Rs.20 Lac is estimated which shall be part of Government Of India encouragement scheme and hence no financial burden on exchequer.

Dated 14<sup>th</sup> February 2018  
Gandhinagar.

KETANBHAI INAMDAR  
M.L.A.

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**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill involves delegation of legislative powers in the following respects:-

**Rule 7** empowers the State Government to prescribe rules for the purpose of carrying out different objects.

The delegation of legislative powers as aforesaid is necessary and is of normal Character.

Dated 14<sup>th</sup> February 2018  
Gandhinagar.

KETANBHAI INAMDAR  
M.L.A.

Gandhinagar.  
Dated the 8<sup>th</sup> March, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly

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Government Central Press, Gandhinagar



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## PART V

### Bills introduced in the Gujarat Legislative Assembly

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The following Bill Which was introduced on 8<sup>th</sup> March, 2018 by Shri Nareshbhai Patel, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

### GUJARAT BILL No. 19 OF 2018.

#### THE GUJARAT COMPULSORY REGISTRATION OF DOMESTIC WORKERS AND OLD AGE CARETAKER (REGULATION OF EMPLOYMENT AND WELFARE) BILL, 2018

#### A BILL

to provide for compulsory registration and working condition of the domestic workers and old age care taker and welfare of such persons and matters related therewith.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Compulsory Registration of Domestic Workers and Old Age Care taker (Regulation of Employment and Welfare) Act, 2018.

**Short title,  
extent and  
commencement**

(2) It shall extend to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

#### **Definitions**

2. (1) 'domestic Workers' means any person employed as domestic workers with household work such as cooking, house cleaning, washing clothes, maintaining of garden of the outskirt of the residential house and all other works incidental and connected with household affairs and includes Persons employed for taking care old age persons.

(2) 'Competent Authority' means an officer of a local authority appointed under section 4.

(3) 'Register' means Register of Domestic workers and old age care takers who are registered under this Act and their names are entered as such in the Register.

(4) 'Prescribed' means prescribed by rules.

#### **Registration of Domestic workers**

3. There shall be compulsory registration of domestic worker and old age care taker by the Competent Authority in the manner as may be prescribed by the State Government and no person shall employ any domestic worker or old age care taker whose name does not appear in the Register.

#### **Competent Authority**

4. (1). The State Government shall appoint a Competent Authority for carrying out the objects of this Act.

(2) It shall be the duty of Competent Authority to see that domestic worker and old age care taker are paid the wages as determined by the State Government by issuing notification according to the category of work, place of working, hours of work including weekly holidays and such other facilities as may be prescribed:

Provided that the state Government may provide for different rates of wages for different areas and different category of works in the same city or a district:

Provided further that while determining the wages for domestic worker and old age care taker the State Government shall consult the Gujarat State Social Welfare Advisory Board and also the Gujarat State Women Economic Development Corporation.

5. No child who has completed the age of fourteen year shall be employed or permitted to work as domestic worker or old age care taker and any breach shall be dealt with severely by the competent authority. **Employing persons below fourteen years.**
6. The competent authority may suomoto or on a complaint received by any domestic worker or old age care taker or any social organization shall investigate whether there is any breach of the provisions of this Act and after due inquiry, in case of any breach may impose fine which shall not exceed rupees five thousand on the person under whose employment the domestic worker is employed. **Non compliance amounting to offence**
7. The amount collected by way of fine shall be deposited in a fund to be known as Domestic Workers and old age care taker Welfare Fund and amount so deposited shall be utilized for the welfare of domestic worker in a manner as may be prescribed including for payment of compensation by the State Government . **Domestic Workers Welfare Fund**
8. The State Government may make rules for the purpose of carrying out the provisions of the Act. **Power to make rules.**

**STATEMENT OF OBJECTS AND REASONS**

It is observed that working conditions of the domestic worker and old age care taker is pitiable and primitive. Such persons are compelled to work for twelve hours a day without any rest. Moreover they are hardly paid adequate pay for their work. Moreover in case of some unusual incident in absence of their registration, it is difficult to trace whereabouts of such persons. Moreover their service is discharged without any notice or without giving any reason. No compensation is paid by their master after termination of their job. It is, therefore, considered necessary to protect their rights and also to provide for their registration, humanitarian conditions for working by providing adequate wages, fix working hours, regular health checkup and compensation in case of termination of service.

The Bill seeks to achieve the aforesaid objects.

Dated 14<sup>th</sup> February 2018  
Gandhinagar.

NARESHBHAI PATEL  
M.L.A.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill involves delegation of legislative powers in the following respects:-

**Clause 3** of the Bill provides for the manner of registration of domestic worker.

**Clause 4** of the Bill provides for prescribing the category of work, place of work, weekly holiday and other facilities.

**Clause 8** of the Bill empowers the State Government to prescribe by rules for the purpose of carrying out the objects of the Act.

The delegation of legislative powers as proposed is necessary and is of a normal character.

Dated 14<sup>th</sup> February 2018  
Gandhinagar.

NARESHBHAI PATEL  
M.L.A.

Gandhinagar.  
Dated the 8<sup>th</sup> March, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly





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The following bill which was introduced on 8<sup>th</sup> March, 2018 by Shri Kanubhai Desai, M.L.A., is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

**GUJARAT BILL No. 20 of 2018.**

### THE GUJARAT SENIOR CITIZEN PROTECTION FORCE BILL, 2018

#### A BILL

To provide for the establishment of the Gujarat Senior Citizens Protection Force for the protection of life, properties and interests of Senior Citizen in the State of Gujarat and for matters connected therewith.

It is hereby enacted in the Sixty-ninth year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Senior Citizens Protection Force Act, 2018.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.

**Short title  
extent and  
commence-  
ment.**

**Establishment  
of the Gujarat  
Senior Citizen  
Protection  
Force.**

2. There shall be established in each taluka of the State of Gujarat, a special wing of police force to be called the Gujarat Senior Citizen Protection Force (hereinafter referred to as “the force”), consisting of not less, than 25 persons headed by a police inspector or a sub-inspector, for the protection of life, properties and interests of the Senior Citizen in the respective talukas.

**Functions  
of the  
force.**

3. The functions of the force shall be as under,-
- (a) to give protection to the Senior Citizens in the event of an assault or attack on him and to protect his life and property and to render all necessary and prompt help in such event;
- (b) to become helpful to the Senior Citizens and their spouse and to render all assistance needed for the implementation of laws enacted for their benefit and welfare;
- (c) to discharge such other functions as may be prescribed.

**Power  
of the  
force.**

4. The force shall have powers to arrest or detain any person found or apprehended dangerous to the life or properties of any Senior Citizen and to take suitable actions for the welfare of Senior Citizen.

**Advisory  
Committee.**

5. There shall be formed by the state Government for each taluka to assist and advise the force an advisory committee consisting of seven members selected from amongst social workers, out of which two shall be women.

**STATEMENT OF OBJECTS AND REASONS**

There are remarkable population of Senior Citizen in the State. To tackle problems of their safety & security it is considered necessary to establish the senior citizen protection force. This will hamper/ jeopardise the life, properties and interests of senior citizens. Hence the establishment of such force is a must and necessity.

The Bill seeks to achieve the above objects.

Dated 14<sup>th</sup> February, 2018  
Gandhinagar.

KANUBHAI DESAI  
M.L.A.

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**FINANCIAL MEMORANDUM**

**Clause 2** provides for the establishment of a Senior Citizen Protection force in each Taluka. This shall be from amongst the existing cadre of police officers hence no additional expense is to be incurred.

Dated 14<sup>th</sup> February, 2018  
Gandhinagar.

KANUBHAI DESAI  
M.L.A.

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**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill involves delegation of legislative powers in the following respects:-

**Clause 3 (c)** empowers the State Government to prescribe functions of the Protection Force other than those prescribed in sub-clauses (a) and (b) of clause 3.

The delegation of legislative powers as aforesaid is necessary and is of normal Character.

Dated 14<sup>th</sup> February, 2018  
Gandhinagar.

KANUBHAI DESAI  
M.L.A.

Gandhinagar.  
Dated the 8<sup>th</sup> March, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly

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Government Central Press, Gandhinagar



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The following Bill Which Was introduced on 8<sup>th</sup> March, 2018 by Shri Arvindbhai Patel, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

### GUJARAT BILL No. 21 OF 2018.

#### The Gujarat Smart Cities Development Authority Bill, 2018.

#### A BILL

To provide for the establishment of an Authority for controlling the land use and plan the development of Smart Cities in the State and matters connected therewith.

WHEREAS it is expedient to provide for the establishment of an Authority and organization for planning the development of smart cities.

It is hereby enacted in the Sixty ninth year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Smart Cities Development Authority Act, 2018.

Short title,  
extent and  
commencement.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

(4) It shall apply in the first instance only to such cities as the State Government may, by notification in the *Official Gazette* publish.

**2. In this Act, unless the context, otherwise requires :**

**Definitions.**

(1) “Authority” means the Smart Cities Development Authority constituted under Section 4.

(2) “Development Plan” means a plan prepared for the development of Smart Cities.

(3) “Planning Area” means any area declared to be “Smart Cities Planning Area” under section 3.

(4) “Prescribed” means prescribed by rules.

**Power of State Government to declare any area to be Smart Cities planning Area.**

**3.** (1) If in the opinion of the State Government the use and development of land in and around the limits of any of the Corporation constituted under the Gujarat Provincial Municipal Corporations Act, 1949, requires to be controlled under this Act with a view to securing its speedy development, it may, by notification in the *Official Gazette* declare the area comprising such land by defining its limits to be a Smart Cities Planning Area for the purpose of this Act.

(2) The State Government may, by notification in the *Official Gazette* add therein such area as may be specified in the notification.

(3) A plan showing the boundaries of the Smart Cities as declared under this section shall be available for inspection at the office of the Collector and Mamlatdar concerned and on the constitution of the Authority therefore, also at the office of the Authority.

**Constitution of Smart Cities Development Authority.**

**4.** (1) The State Government shall by notification in the *Official Gazette* constitute for the purpose of this Act an Authority to be called Smart Cities Development Authority .

(2) The Smart Cities Development Authority shall have its office at such place as the State Government may appoint and shall be known by the name specified in the notification constituting it.

(3) The Authority shall be a body corporate having perpetual succession and common seal with power to acquire, hold and dispose of properties both movable and immovable and to contract and shall by the said name sue and be sued.

(4) The authority shall consist of the following members, namely:--

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1949

- (a) a Chairman to be appointed by the State Government;
- (b) a Smart Cities Development Commissioner to be appointed by the State Government;
- (c) a Finance and Accounts Members to be appointed by the State Government;
- (d) a Town Planner to be appointed by the State Government;
- (e) four representatives from Municipal Corporations constituted under the Gujarat Provincial Municipal Corporations Act, 1949 to be elected by the Councillors of the Corporation of whom one shall be the member of the Town Planning Committee of the Municipal Corporation;
- (f) the Commissioner of each Municipal Corporation;
- (g) the Chief Town Planner of the State
- (h) two members of the Gujarat Legislative Assembly representing the constituencies, any part of the territorial limits of which is declared a Smart cities to be elected by the members of the Gujarat Legislative Assembly.

(5) The members may be paid from the funds of the Local Authority such allowances as may be prescribed.

5. (1) The Authority, shall as soon as may be, constitute an advisory council for each Smart City Area for the purpose of advising the Authority on the preparation of Development Plan and on such other matters arising out of, or in connection with the administration of this Act as may be referred to it by the Authority.

**Constitution of  
Advisory  
Council.**

(2) The Advisory Council shall consist of the following members, namely :-

- (a) the Chairman of the Authority, ex-officio, who shall be the President of the Advisory Council;
- (b) the member of the Gujarat Legislative Assembly any part of whose constituency falls within the Smart City Areas.
- (c) the member of Parliament who shall be member of the House of the People and any part of whose constituency falls within the Smart Cities Area.
- (d) Chief Town Planner or his nominee;
- (e) Chief Engineer (R & B) or his nominee;

(3) Expenditure on Council shall be met with from the funds of Local Authority.

**6.** (1) Subject to the provisions of this Act and the rules and regulations made thereunder, it shall be the duty of the Authority- **Powers and duties of Authority.**

(a) to carry out a survey of the Smart Cities Area and prepare reports in the Surveys so carried out;

(b) to prepare a Smart Cities Development Plan;

(c) to guide the various local authorities for the implementation of the Smart Cities Development Plan.

(d) to perform any other duties or functions as are supplemental, incidental or consequential to any of the foregoing duties or as may be prescribed.

**Preparation of Smart Cities of Plan Development.**

**7.** (1) Subject to the provisions of this Act, rules and regulations made there under, the Authority shall carry out the necessary survey for the purpose of preparing a Smart Cities Development Plan and shall, within such period as the State Government may from time to time determine in this behalf, prepare and publish it in the prescribed manner:

(a) a Development Plan;

(b) a report of the Survey carried out before preparing the Development Plan;

(c) such other documents, maps and information as the Authority may deem fit for illustrating and explaining the provisions of the Development Plan.

(2) The development Plan to be so prepared shall generally indicate the manner in which the Authority proposes to use the land in the Planning Area (whether by carrying out development therein or otherwise), the Stages by which any such development is to be carried out and such other matters likely to have an important influence on the development of the Planning Area; any such plan may provide in particular for all or any of the following matters as the authority may deem fit;

(a) proposal for major communication facilities such as roads, highways, railways, waterways, canals and airport;

(b) location of major educational, health and social welfare institutions and reservation of areas for such institutions;

(c) designation of areas for major recreational centers such as regional parks, holiday camps, holiday resorts and zoological gardens;

(d) preservation, conservation and development of areas of natural scenery, forest and natural resources;

(e) proposals for use of water resources, drainage, sewage and other public amenities and services including electricity and gas;

(f) preservation of objects, features, structures or places of historical, architectural or scientific interests and educational value; and

(g) any other matter which may be necessary for the orderly development of the Smart Cities.

(3) If within 60 days from the date of the publication of the Development Plan, any local authority or any person communicates in writing to the Authority any suggestion relating to such plan, the Authority shall consider such suggestion and may modify the plan in such manner as it thinks fit.

(4) After considering the suggestions, if any, received under sub-section(3) and making such modifications in the Development Plan as it thinks fit the Authority shall submit to the State Government for sanction the first Development Plan together with such report, other documents, maps and information as are published under sub-section (1).

8. (1) The State Government, after consultation with the Authority may by notification in the *Official Gazette* make rules for carrying out the purpose of this Act:

**Power to  
make rules.**

Provided that consultation with the Authority shall not be necessary on the first occasion of the making of rules under this section, but the State Government shall take into consideration any suggestions with the Authority may make in relation to the amendment of such rules after they are made.

(2) All rules made under this section shall be laid before the State Legislature as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

9. The Authority may, with the previous approval of the State Government make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of this Act.

**Regulations  
by Authority.**



### STATEMENT OF OBJECTS AND REASONS

With the development of infrastructure the growth of some of the leading Cities like Ahmedabad, Baroda, Surat, Rajkot and Jamnagar has got impetus in recent years. The problems of planning and development of these Cities have become complex and varied.

Looking to the fast urban development of some of the Cities the planning needs a new orientation. The Cities and the surrounding areas have become inter dependent in many respects. So comprehensive Smart Cities Development Plan for the integrated area of different types of urban as well as rural settlement in which Metropolis and surrounding urban and rural areas play a definite and complementary role for existence of each has to be prepared in order to achieve integrated economic, social and physical development.

This Bill seeks to provide for the establishment of Authority which will look after the needs of the development of such Cities, in the State of Gujarat.

Dated 14<sup>th</sup> February 2018  
Gandhinagar.

ARVINDBHAI PATEL  
M.L.A.

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### FINANCIAL MEMORANDUM

The expenditure related to Authority and Advisory Council shall be meet with from the funds of Local Authority. Hence no financial burden will be on consolidated fund of the State.

Dated 14<sup>th</sup> February 2018  
Gandhinagar.

ARVINDBHAI PATEL  
M.L.A.

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**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This bill involves delegation of Legislative power in the following respects:-

*Clause 1.*—Sub clauses (3) and (4) of this clause empowers the State Government to appoint by a notification in the *Official Gazette*, the date on which the provisions of this Act shall come into force.

*Clause 3.*—This clause empowers the State Government to declare by a notification any area to be Smart Cities, Planning Area.

*Clause 4.*—This clause empowers the State Government to constitute by a notification a Smart Cities Development Authority.

*Clause 7.*—This clause empowers the State Government to prescribe the procedure by rules relating to survey and Planning for Smart Cities.

*Clause 8.*—This clause empowers the State Government to frame rules for the purposes of the Act.

*Clause 9.*—This clause empowers to frame regulations by the Authority.

Dated 14<sup>th</sup> February 2018  
Gandhinagar.

ARVINDBHAI PATEL  
M.L.A.

Gandhinagar.  
Dated the 8<sup>th</sup> March, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly



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# The Gujarat Government Gazette

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill Which Was introduced on the 8<sup>th</sup> March, 2018 by Shri Bhupendrabhai Patel, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

### GUJARAT BILL No. 22 OF 2018.

#### THE MANAGEMENT OF POLS AND OTHER HERITAGE BUILDINGS(RESTRICTION ON COMMERCIAL USE) AND PRESERVATIONS OF HERITAGE STRUCTURE BILL, 2018.

#### A BILL

To provide for constitution of establishment of an authority to manage and conservation of heritage, preservation of historical and cultural identity and also for the preventing uncontrolled development around such buildings and matters connected therewith.

It is hereby enacted in the sixty-ninth year of Republic of India as follows:-

<b>Short title extent-and commence- ment.</b>	<p><b>1.</b> (1) This Act may be called the management of pols and other heritage buildings(restriction on commercial use) and preservation of Heritage Structure Act, 2018.</p> <p>(2) It shall extend to whole of the State of Gujarat.</p> <p>(3) It shall come into force on such date as the State Government may by issuing a notification in the Official Gazette, appoint.</p>
<b>Definitions</b>	<p><b>2.</b> (a) “Development” means carrying out of building or other operation on or over or under any land or building including commercial use of any area in such building.</p> <p>(b) “Heritage Area” means the area comprising of such area notified or as may be notified as “Protected Area” under the Ancient Monument and Archaeological Sites and Remains Act, 1958.</p> <p>(c) “Local authority” means a municipal corporation, municipality or Panchayat constituted under relevant local authority Laws.</p> <p>(d) “Prescribed” means prescribed by rules.</p>
<b>Establishment of Authority.</b>	<p><b>3.</b> (1) The State Government shall by notification in the Official Gazette established an authority to be called “Management of Pols” and other Heritage structure Authority.</p> <p>(2) The headquarters of the authority shall be at Ahmedabad.</p>
<b>Constitution of Authority.</b>	<p><b>4.</b> (1) The authority shall consists of the following members, namely;-</p> <p>(i) Director,-Archaeological Survey of Gujarat- Chairperson.</p> <p>(ii) Managing Director, Gujarat Tourism Corporation.</p> <p>(iii) Municipal Commissioner, Ahmedabad, Rajkot, Baroda and Surat.</p> <p>(iv) Chief Town Planner, Gujarat.</p> <p>(v) Two eminent Archaeologists of Ahmedabad city.</p> <p>(vi) Two experts in the field of heritage.</p> <p>(vii) Deputy Secretary to Government, Member Secretary.</p> <p>(2) The expense on the Authority shall be meet with from the funds provided by Local Authorities.</p>
<b>Functions of Authority.</b>	<p><b>5</b> (1) The authority shall carry out survey of heritage area and prepare development and management plan of such area.</p>

- (2) To raise finance for any project or scheme for Heritage area.
- (3) To co-ordinate between local authority to any project, scheme or development plan in the Heritage area.
6. (1) The local authority shall maintain a security force for the purpose of better protection and security of the property within heritage area. **Security Force.**
- (2) Such force shall also see that the pols culture and heritage has not suffered any harm by making commercial use of building within any heritage area.
- (3) The force will also be responsible for prevention of any encroachment in Heritage area.
7. Notwithstanding anything contained in any other law of the State for the time being in force, no other authority shall undertake any development within heritage area except with the prior permission of the authority. **No other Authority to undertake Development.**
8. Whoever contraventions any of the provision of this Act shall be punished with imprisonment for a term of two years which may extend to one year or with fine of fifty thousand rupees which may extend to rupees twenty-thousand. **Penalty for breach of provision of the Act.**
9. The State Government may by notification in the *Official Gazette* make rules to carry out the purposes of this Act. **Power to makerules.**

### STATEMENT OF OBJECTS AND REASONS

Ahmedabad was bestowed the honor of being India's first Heritage City in the year 2017 by the UNESCO .

Six hundred years cultural Heritage, Architect and town planning are speciality of this City.

With this Global recognition the State Governments focus on savings all Heritage in the State. Individual and collaborative efforts can bring a big change and growth of the cities which may ultimately promote tourism.

Pols are the best example of why the city deserves its Heritage Status. Bagging the prestigious India's first Heritage City tag also means conserving what makes the city that houses the old and the new with equal fervor. With a view to transform different heritage areas in the State into more beautiful place, it is proposed to constitute Authority.

Hence this Bill.

Dated 14<sup>th</sup> February 2018  
Gandhinagar

BHUPENDRABHAI PATEL  
M.L.A

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

This bill involves legislative powers in the following respects:-

**Clause 9** this clause empowers the State Governments to make rules for carrying out the purpose of the Act.

The delegation of legislative powers as aforesaid is necessary and is of normal character.

Dated 14<sup>th</sup> February 2018  
Gandhinagar

BHUPENDRABHAI PATEL  
M.L.A

Gandhinagar.  
Dated the 8<sup>th</sup> March, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly

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Government Central Press, Gandhinagar



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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill which was introduced on 8<sup>th</sup> March, 2018 by Shri Jitendrabhai Sukhadia, M.L.A. is published under rule 127-A of the Gujarat Legislature Assembly Rules for general information.

### GUJARAT BILL No. 23 OF 2018.

### The Gujarat Pilgrim Places and Centre of Religious Faith (Declaration of Holy Places) Bill, 2018

#### A B I L L

*to provide for preservation of holiness of centre of religious faith for pilgrims, implication of the tenets of the religion, system of philosophy rituals so as to leave an imprint on Indian polity and conserve religion and cultural identity and to provide for matters connected therewith.*

It is hereby enacted in the Sixty Ninth year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Pilgrim Places and Centre of Religious Faith (Declaration of Holy Places) Act, 2018.

Short title,  
extent and  
commencement

<b>Definitions</b>	(2) It extends to the whole of State of Gujarat.
	(3) It shall come into force with immediate effect.
	<b>2.</b> (a) 'Holy place' means a place which has been declared a place from religion point of view to be pious.
	(b) 'Development' means carrying out of building engineering in or over or under any land and includes material changes in any building or land for the purpose of redevelopment.
<b>Declaration of Holy places</b>	(c) 'Local Authority' means Municipal Corporation, Municipality or Panchayat constituted under relevant Local Authority law.
	(d) 'Prescribed' means prescribed by rules.
	<b>3.</b> (1) It shall be lawful for the State Government to declare any pilgrim place situated in the State comprising of such area or a part of the city or a whole city to be a Holy Place for the purposes of this Act.
<b>Protection of acts.</b>	(2) While declaring any pilgrim place to be a 'Holy Place' the State Government shall take into consideration the religious practice, rituals and observances and mode of worships as are essential an integral part of the followers of that particular pilgrim place and tenets of religion to which such place of pilgrim belongs to.
	<b>4.</b> The State Government on declaration of any pilgrimage place to be a Holy Place shall protect acts done by an individual or any authority administrating such Holy Place.
<b>Direction by Government</b>	<b>5.</b> Notwithstanding anything contained in any law for the time being in force the State Government shall issue directions to the local authority to prohibit or regulate by issuing a notification in such HolyPlace any development or activity economic, financial or general which are prejudice to the religious faith of pilgrim and obstruct to secure spiritual well-being of a person without any interference from anybody.
<b>Power to Inquire and Seizure</b>	<b>6.</b> (1) On receipt of any complaint from individual pilgrim or a Trustee under whose control such pilgrim places are managed or on information received by the authority or the State Government that certain economic, commercial or financial activity undertaken by individual, firm or a Company are imminent to endanger the sentiments and basic tenets of the worshiper of such places and also adversely affects from environment point of view may inquire about the affairs of such activity and direct to discontinue or may prohibit the same by issuing a notification in that behalf.
	(2) For the purpose of inquiry the authority empowered in that behalf shall have power to enter such premises and seize any material which is prohibitory under the Act or rules made thereunder.



7. All acts and omissions prohibited under this Act shall be punishable with an imprisonment of not less than two years but not exceeding five years and fine not less than two lakh rupees but not exceeding five lakh rupees.

**Penalties**

8. The State Government may frame rules to carry out the Objects of the Act.

**Power to  
make rules**

### STATEMENT OF OBJECTS AND REASONS

Religion is absolutely a matter of faith with individual or community.

The object is to secure spiritual well-being of a person according to the tenets of the particular religion one believe in. Temple i.e. places of pilgrims are closely related to rituals and each religion prescribes rituals and observances and mode of worship which are regarded as integral part of religion and the guarantee under our Constitution also protect acts done in pursuance of religion and protection conferred under Article 26 of the Constitution of India. This is made clear by use of expression 'Practice of Religion'.

In view of this, it is necessary to enact a law to declare places of pilgrims and centre of religious faith to be 'Holy Places' and also for the purpose of preventing uncontrolled development and commercial exploitation of such Holy Places.

India being a mosaic of different religions, language and culture it is essential to conserve each religion and culture without any interference from anybody.

Hence, it is proposed to declare places of pilgrims to be Holy Places and hence, this Bill.

Dated 14<sup>th</sup> February 2018  
Gandhinagar

JITENDRABHAI SUKHADIA  
M.L.A.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

The bill involves delegation of legislative powers in the following respects:-

**Clause 8.-** Provides for framing rules for the purpose of carrying out the objects.

The delegation of legislative powers as proposed are necessary and are of a normal character.

Dated 14<sup>th</sup> February 2018  
Gandhinagar

JITENDRABHAI SUKHADIA  
M.L.A.

Gandhinagar.  
Dated the 8<sup>th</sup> March, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly



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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES (REGULATION OF ISSUANCE AND VERIFICATION OF CASTE CERTIFICATES) BILL, 2018.

GUJARAT BILL NO. 24 OF 2018.

### A BILL

*to provide for regulation of issuance and verification of the  
Caste Certificates to the persons belonging to the Scheduled Castes,  
Scheduled Tribes or Other Backward Classes and for matters connected  
therewith or incidental thereto.*

WHEREAS it is expedient to provide for the regulation of the issuance and verification of the Caste Certificates to the persons belonging to the Scheduled Castes, Scheduled Tribes or Other Backward Classes and

for matters connected therewith or incidental thereto;

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

**Short title and commencement.**

1. (1) This Act may be called the Gujarat Scheduled Castes, Scheduled Tribes and Other Backward Classes (Regulation of Issuance and Verification of Caste Certificates) Act, 2018.

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

**Definitions.**

2. In this Act, unless the context otherwise requires,-

- (a) "Caste Certificate" means the certificate issued by the Competent Authority to an applicant indicating therein the Scheduled Caste, Scheduled Tribe or Other Backward Class, as the case may be, to which such applicant belongs;
- (b) "Competent Authority" means an officer or authority authorized by the Government, by notification in the *Official Gazette*, to issue a Caste Certificate, for such area and for such purpose as may be specified in the said notification;
- (c) "Educational Institution" means any School, Degree College, College of Education, Polytechnic, Industrial Training Institute, College of Fine Arts and Architecture, College of Music and Dance, Engineering College, Agricultural College, Veterinary College, Medical College, Dental College, Ayurvedic College, Homoeopathic College, Unani College, Nurses Training School, Health Visitors Training School, Vocational Training Institution, Deemed University, Open University and various colleges under the control of any University established by or under an Act of the Central or State Legislature and such other Institution, by whatever

name called, which is carrying on (either exclusively or among other activities) the activity of imparting education;

(d) " Government " means the Government of Gujarat;

(e) "Local authority" means,-

- (i) a Municipal Corporation constituted under the Gujarat Provincial Municipal Corporations Act, 1949; **Bom. LIX of 1949.**
- (ii) a Municipality constituted under the Gujarat Municipalities Act, 1963; **Guj.34 of 1964.**
- (iii) a Panchayat constituted under the Gujarat Panchayats Act, 1993; **Guj. 18 of 1993.**

(f) "Other Backward Classes" means any Socially and Educationally Backward Classes of citizens as declared by the Government and includes other Backward Classes declared by the Government of India in relation to the State of Gujarat;

(g) "prescribed" means prescribed by rules made under this Act ;

(h) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clause (24) and clause (25) of article 366 of the Constitution of India;

(i) "Scrutiny Committee" means the Committee or committees constituted under sub-section (1) of section 6 for verification of the Caste Certificate and to perform the functions of Scrutiny Committee under this Act.

**3.** Any person belonging to any of the Scheduled Castes, Scheduled Tribes or Other Backward Classes, required to produce a Castes Certificate in order to claim the benefit of any reservation provided to such Castes, Tribes or Classes, either for admission into any educational institution under article 15 or in any public employment under article 16 of the Constitution of India or for the purpose of contesting for elective post in any local authority, co-operative society or any other purposes specified by the Government, shall apply in such form and in such manner as may be

**Application  
for a Caste  
Certificate.**

prescribed, to the Competent Authority for the issuance of a Caste Certificate.

**Caste Certificate to be issued by the Competent Authority.**

**4.** (1) The Competent Authority may, on an application made to it under section 3, after satisfying itself about the genuineness of the claim and following the procedure as prescribed, issue a Caste Certificate in such form as may be prescribed or reject the application for reasons to be recorded in writing.

(2) A Caste Certificate issued by any person, officer or authority other than the Competent Authority shall be invalid. The Caste Certificate issued by the Competent Authority shall be valid only subject to the verification and grant of validity certificate by the Scrutiny Committee.

**Appeal.**

**5.** (1) Any person aggrieved by an order of rejection of application passed by the Competent Authority under sub- section (1) of section 4 may, within a period of 30 days from the date of receipt of an order, appeal to the Appellate Authority specified by the Government by notification in the *Official Gazette*.

(2) The Appellate Authority may within a period of three months, after giving the appellant an opportunity of being heard and after satisfying itself about the genuineness or otherwise of the claim of the appellant either confirms the rejection order, or set aside the order of the Competent Authority and directs the Competent Authority to issue the Caste certificate within seven days from the receipt of the direction.

**Verification of Caste Certificate by Scrutiny Committee.**

**6.** (1) The Government shall constitute, by notification in the *Official Gazette*, one or more Scrutiny Committee(s) for verification of Caste Certificates issued by the Competent Authorities under sub-section (1) of section 4 specifying in the said notification the functions and the area of jurisdiction of each Scrutiny Committee or Committees.

(2) After obtaining the Caste Certificate from the Competent Authority, any person desirous of availing the benefits or concessions provided to the Scheduled Castes, Scheduled Tribes or Other Backward Classes for the purposes mentioned in section 3 may make an application, within such time, in such form and in such manner as may be prescribed, to the concerned Scrutiny Committee for the verification of such Caste Certificate and issuance of a validity certificate.

(3) The appointing authorities of the Central or a State Government, local authority, public sector undertakings, educational institutions, co-operative societies or any other Government aided institutions shall make an application in such form and in such manner as may be prescribed to the Scrutiny Committee concerned for the verification of the Caste Certificate and issuance of a validity certificate, in case a person selected for an appointment with the Government concerned, local authority, public sector undertakings, educational institutions, co-operative societies or any other Government aided institutions has not obtained such certificate.

(4) The Scrutiny Committee shall follow such procedure for verification of the Caste Certificate and adhere to the time limit for verification and grant of validity certificate, as may be prescribed.

7. All applications pending for issuance of Caste Certificate or validity certificate prior to coming into force of this Act shall stand transferred to the Competent Authority or, as the case may be, the Scrutiny Committee on the coming into force of this Act:

**Applications pending prior to the commencement of the Act.**

Provided that the State Government may direct, by Order published in the *Official Gazette*, that authorities to whom the applications for issuance of Caste Certificate or the validity certificate were to be made prior to the date of coming into force of the Act, shall continue to function for such time as may be specified in the Order.

**Confiscation  
and  
cancellation  
of false Caste  
Certificate.**

**8.** (1) Where, before or after the commencement of this Act, a person not belonging to any of the Scheduled Castes, Scheduled Tribes or Other Backward Classes has obtained a false Caste Certificate to the effect that either himself or his children belong to such Castes, Tribes or Classes, the Scrutiny Committee may, *suo motu*, or otherwise call for the record and enquire into the correctness of such certificate and if it is of the opinion that the certificate was obtained fraudulently, it shall, by an order cancel and confiscate the certificate by following such procedure as may be prescribed, after giving the person concerned an opportunity of being heard, and communicate the same to the concerned person and the concerned authority.

(2) The order passed by the Scrutiny Committee under this Act shall be final and shall not be challenged before any authority or court except the High Court under article 226 of the Constitution of India.

**Burden of  
proof.**

**9.** In any proceedings either before the Competent Authority, the Scrutiny Committee or the Appellate Authority under this Act or in any trial of offence under this Act, the burden of proving that the person belongs to any of the Scheduled Castes, Scheduled Tribes or Other Backward Classes shall be on such claimant/applicant.

**Powers of  
Civil court to  
Competent  
Authority,  
Appellate  
Authority and  
Scrutiny  
Committee.**

**10.** The Competent Authority, the Scrutiny Committee or the Appellate Authority shall, while holding an enquiry under this Act, have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 and in particular in respect of the following matter, namely:-

**V of 1908.**

- (a) summoning and enforcing the attendance of any person and examining him on oath ;
- (b) requiring the discovery and production of any document ;
- (c) receiving evidence on affidavits ;
- (d) requisitioning any public record or copy thereof from any Court or office ; and

- (e) issuing commissions for the examination of witnesses or documents.

11. (1) Whoever, not being a person belonging to any of the Scheduled Castes, Scheduled Tribes or Other Backward Classes, secures or has secured admission in any educational institution against a seat reserved for such Caste, Tribe or Class, or secures any appointment in the Government, local authority, co-operative society or in any other Company or Corporation, owned or controlled by the Government or in any Government aided institution against a post reserved for such Caste, Tribe or Class by producing a false Caste Certificate shall, on cancellation of the Caste Certificate by the Scrutiny Committee, be liable to be,

**Benefits  
secured on  
the basis of  
false Caste  
Certificate to  
be  
withdrawn.**

- (a) debarred from the concerned educational institution, or as the case may be,

- (b) discharged from the said employment forthwith,

and any other benefits enjoyed or derived by virtue of such admission or appointment by such person as aforesaid shall be withdrawn forthwith.

(2) Any amount paid to such person by the Government or any other agency by way of scholarship, grant, allowance or other financial benefit shall be recovered from such person as arrears of land revenue.

(3) Notwithstanding anything contained in any Act for the time being in force, any Degree, Diploma or any other educational qualification acquired by such person after securing admission in any educational institution on the basis of a Caste Certificate which is subsequently proved to be false shall also stand cancelled, on cancellation of such Caste Certificate, by the Scrutiny Committee.

(4) Notwithstanding anything contained in any law for the time being in force, a person shall be disqualified for being a member of any statutory body if he has contested the election for local authority, co-operative society or any statutory body on the seat reserved for any of Scheduled Castes, Scheduled Tribes or Other Backward Classes by procuring a false



Caste Certificate as belonging to such Caste, Tribe or Class, on such false Caste Certificate being cancelled by the Scrutiny Committee; and any benefits obtained by such person shall be recoverable as arrears of land revenue and the election of such person shall be deemed to have been terminated retrospectively.

**Offences  
and  
penalties.**

**12. (1) Whoever,-**

- (a) obtains a false Caste Certificate by furnishing false information or filing false statement or documents or by any other fraudulent means ; or
- (b) not being a person belonging to any of the Scheduled Castes, Scheduled Tribes or Other Backward Classes secures any benefits or appointments exclusively reserved for such Castes, Tribes or Classes in the Government, local authority, co-operative society or any other company or corporation owned or controlled by the Government or in any Government aided institution, or secures admission in any educational institution against a seat exclusively reserved for such Castes, Tribes or Classes or is elected to any of the elective offices of any local authority or co-operative society against the office, reserved for such Castes, Tribes or Classes, by producing a false Caste Certificate,

shall, on conviction, be punished, with rigorous imprisonment for a term which shall not be less than six months but which may extend up to three years and with fine which shall not be less than ten thousand rupees, but which may extend up to fifty thousand rupees.

(2) No court shall take cognizance of an offence punishable under this section except upon a complaint, in writing, made by the Scrutiny

Committee or by any other officer duly authorized by the Scrutiny Committee for this purpose.

**13.** Notwithstanding anything contained in the Code of Criminal Procedure, 1973-

**Offences under Act to be cognizable and non-bailable.**

- 2 of 1974.** (a) offences punishable under section 12 shall be cognizable and non-bailable;
- (b) every offence punishable under this Act, shall be tried by any Magistrate of First Class following summons case procedure prescribed in the Code of Criminal Procedure, 1973.

**2 of 1974.**

**14.** (1) Whoever, being the Competent Authority, intentionally issues a false Caste Certificate shall, on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend up to three years and with fine which shall not be less than ten thousand rupees but which may extend up to fifty thousand rupees:

**Penalty for issuing false Caste Certificate.**

Provided that the person who abets the production of false documents on the basis of which the Competent Authority issues the Caste Certificate, such person shall also be liable.

(2) Whoever, not being the Competent Authority, intentionally issues a Caste Certificate shall, on conviction, be punished with imprisonment for a term which shall not be less than six months but which may extend up to three years and with fine which shall not be less than ten thousand rupees but which may extend up to fifty thousand rupees.

(3) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government.

**15.** No civil court shall have jurisdiction, to entertain, to continue or to decide any suit or proceeding or shall pass any decree or order or execute wholly or partially any decree or order, if the claim involved in such suit

**Bar of jurisdiction of civil court.**

or proceeding, or if the passing of such decree or order or if such execution would in any way be contrary to the provisions of this Act.

**Protection of  
action taken  
in good faith.**

**16.** No suit, prosecution or other legal proceedings shall lie against any officers discharging the functions of Competent Authority or Appellate Authority or any member of the Scrutiny Committee, for anything which is done in good faith or intended to be done in pursuance of this Act or the rules made thereunder.

**Acts not in  
derogation to  
any other law.**

**17.** The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

**Power to  
make rules.**

**18.** (1) The State Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

**Power to  
remove  
difficulties.**

**19.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the House of State Legislature.

### **STATEMENT OF OBJECTS AND REASONS**

Article 15 and article 16 of the Constitution of India makes it constitutional for the State Government to reserve seats for Scheduled Castes, Scheduled Tribes and Other Backward Classes in the educational institution and public employment as well as to make other special provisions, which according to the State Government, are necessary for their advancement. The primary objective of the reservation system is to enhance the social and educational status of unprivileged communities and thus improve their lives. The system of reservation comprises a series of affirmative actions such as reservation of seats in the local authorities, to Government jobs, and to enrollment in educational institutions. Reservation is necessary due to historic, societal and cultural reasons. The reservation nourishes the historically disadvantaged classes.

The State Government follows the reservation policy for such classes vigorously and has taken series of actions for the up-liftment and welfare of such classes. A duty is cast on the State Government to see that the reservation policy and other welfare measures for such classes are implemented in the true spirit and also to see that the benefits of the reservation and other measures of the State Government reach the rightful claimants. However, it has come to the notice of the State Government that the persons who do not actually belong to any of such castes, tribes or classes fraudulently obtain the Caste Certificates and thereby obtain the government job and admissions in the educational institutions and derive other benefits on the basis of such false certificates. The State Government views this as a very serious issue in view of the fact that on one hand the false persons who in fact do not belong to such castes, tribes or classes get the advantages in Government jobs, in admission to educational institutions, etc. and on other hand the rightful claimants who in fact belong to such castes, tribes or classes are deprived of their rightful claim and are at a great loss. Such practices defeat the Constitutional objects. In order therefore, to

ensure that the Constitutional rights and other welfare schemes of the Government reach the persons who in fact belong to such Castes, Tribes and Classes, the State Government cannot allow issuance of false caste certificates at the behest of some elements who tend to obtain false caste certificates to reap the benefits which otherwise would have been available to the rightful persons. A stern action against such persons who are involved in such mal-practices is required at the hands of the Government.

In view of above, it is considered necessary to enact a law, so as to discourage the practice of obtaining false caste certificates by making such activity an offence. The Bill seeks to provide for the mechanism for obtaining the Caste Certificate only from the Competent Authority and Validity Certificate from the Scrutiny committee.

This Bill seeks to achieve the aforesaid objects.

The following notes explain, in brief, some of the important provisions of the Bill:-

**Clause 1.-** This clause provides for short title and commencement of the Act.

**Clause 2.-** This clause defines certain terms used in the Bill.

**Clause 3.-** This clause provides for making application to Competent Authority for obtaining Caste Certificate.

**Clause 4.-** This clause provides for issuance of Caste Certificate by the Competent Authority, to the applicant/claimant after following the procedure and within the limit which may be prescribed by rules.

**Clause 5.-** This clause provides for appeal against the order of the Competent Authority, to the Appellate Authority and procedure therefore; and procedure to be followed by the Appellate Authority for deciding the appeals.

**Clause 6.-** This clause provides for validation of Caste Certificate by the Scrutiny Committee.

**Clause 7.-** This clause provides for the validity of Caste Certificate issued by the authority empowered prior to the commencement of the Act.

**Clause 8.-** This clause provides for cancellation and confiscation of Caste Certificate by the Scrutiny committee that he belongs to the Scheduled Caste, Scheduled Tribe, or Other Backward Class.

**Clause 9.-** This clause provides that burden of proof shall lie on applicant/ in any proceedings before any authority or committee that he belongs to the Scheduled Caste, Scheduled Tribe or Other Backward Class.

**Clause 10.-** This clause provides that Competent Authority, Appellate Authority and Scrutiny Committee shall, while trying the proceedings under the Act, have all powers of the civil court conferred under the Code of Civil Procedure, 1908.

**Clause 11.-** This clause provides that benefits secured by a person not being the Scheduled Caste, Scheduled Tribes or Other Backward Class or on the basis of a false certificate of belonging to such Caste, Tribe or Class in any appointment or admission in any educational institution shall be withdrawn on cancellation of Caste Certificate by Scrutiny Committee. It also provides that any person who has secured the post of a member on a seat reserved for such Caste, Tribe or Class on the basis of false caste certificate shall cease to be a member of any such body. The educational qualification, such as degree, diploma or other qualification, acquired on the basis of false certificate shall also stand cancelled on cancellation of the Caste Certificate by the Scrutiny Committee.

***Clauses 12 to 14.-*** These clauses provide for offences and penalties for breach of the provisions of the Act or rules. It also provides that offences under this Act and rules shall be cognizable and non-bailable.

***Clause 15.-*** This clause provides for bar of jurisdiction of civil court.

***Clause 16.-*** This clause provides for usual indemnity for acts done in good faith.

***Clause 17.-*** This clause provides that the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time limit force.

***Clause 18.-*** This clause empowers the State Government to make rules by notification in the *Official Gazette*, for carrying out the purposes of the Act.

***Clause 19.-*** This clause empowers the State Government to remove difficulties arising within the period of three years from the commencement of the Act.

**GANPATSINH VASAVA,**

#### **FINANCIAL MEMORANDUM**

At present, the existing staff of the Social Justice and Empowerment Department and Tribal Development Department will perform the functions to carry out the objects of the Act. However, sub-clause (1) of clause 6 of the Bill empowers the State Government to constitute one or more Scrutiny Committee(s) for verification of Caste Certificates issued by the Competent Authorities and for that purpose, an adequate budgetary provision of rupees eighty lakhs has been made for the year 2018-19. Therefore, the Bill, if enacted and brought into force, would involve an expenditure from the Consolidated Fund of the State.

**GANPATSINH VASAVA,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill provides for delegation of legislative powers in the following respects:--

**Clause 1.**— Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

**Clause 2.**— Sub-clause (b) of this clause empowers the State Government to authorize by notification in the *Official Gazette*, an officer or authority to be the Competent Authority to issue a Caste Certificate, for such area or for such purpose as may be specified in the said notification.

**Clause 3.**— This clause empowers the State Government to prescribe by rules, the form and the manner in which a person belonging to any of the Scheduled Castes, Scheduled Tribes and Other Backward Classes shall make an application to the Competent Authority for issuance of a Caste Certificate.

**Clause 4.**— Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the procedure to be followed and the manner in which the Caste Certificate shall be issued by the Competent Authority.

**Clause 5.**— Sub-clause (1) of this clause empowers the State Government to specify by notification in the *Official Gazette*, an Appellate Authority to which an appeal shall be preferred by a person aggrieved by an order of rejection of application passed by the Competent Authority.



**Clause 6.**—(i) Sub-clause (1) of this clause empowers the State Government to constitute by notification in the *Official Gazette*, one or more Scrutiny Committee(s) for verification of Caste Certificates issued by the Competent Authorities specifying in the said notification the functions and the area of jurisdiction of each Scrutiny Committee or Committees.

(ii) sub-clause (2) of this clause empowers the State Government to prescribe by rules, the time within which and the form and manner in which a person belonging to any of the Scheduled Castes, Scheduled Tribes and Other Backward Classes shall make an application to the concerned Scrutiny Committee for the verification of the Caste Certificate and issuance of a validity certificate.

(iii) sub-clause (3) of this clause empowers the State Government to prescribe by rules, the form and the manner in which the appointing authorities of the Central or a State Government, local authority, co-operative society, public sector undertakings, educational institutions, or any other Government aided institutions shall, make an application to the Scrutiny Committees for the verification of the Caste Certificate and issue of a validity certificate in case a person selected for appointment with the said Authorities has not obtained such caste certificate.

(iv) sub-clause (3) of this clause empowers the State Government to prescribe by rules, the procedure to be followed by the Scrutiny Committee for verification of the Caste Certificate and adhere to the time limit for verification and grant of validity certificate.

**Clause 7.**— Proviso this clause empowers the State Government to direct by Order in the *Official Gazette*, that the authorities to whom

the applications for issuance of Caste Certificate or the validity certificate were to be made prior to the date of coming into force of the Act lied, shall continue to function for such time as may be mentioned in the said Order

**Clause 8.—** Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the procedure to be followed by the Scrutiny Committee for confiscation and cancellation of false Caste Certificate.

**Clause 18.-** This clause empowers the State Government to make, by notification in the *Official Gazette*, the rules for carrying out the purposes of the Act and particularly for the matters as specified therein.

**Clause 19.-** This clause empowers the State Government to make an order published in *Official Gazette*, to remove any difficulty if arised in giving effect to the provisions of this Act within a period of three years .

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 8<sup>th</sup> March, 2018.

**GANPATSINH VASAVA.**

By order and in the name of the Governor of Gujarat,

**K.M. Lala,**

Gandhinagar,  
Dated the 9<sup>th</sup> March, 2018.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary  
Affairs Department.

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# The Gujarat Government Gazette

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT STAMP (AMENDMENT) BILL, 2018.

### GUJARAT BILL NO. 25 OF 2018.

### A BILL

*further to amend the Gujarat Stamp Act, 1958.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Stamp (Amendment) Act, 2018.

Short title and  
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment of  
section 2 of  
Bom.LX of 1958.**

**2.** In the Gujarat Stamp Act, 1958 (hereinafter referred to as “the principal Act”), in section 2, in clause (g), for para (iv), the following para shall be substituted, namely:-

**Bom.LX of  
1958.**

“(iv) every order made by the National Company Law Tribunal under section 232 of the Companies Act, 2013 in respect of a scheme for reconstruction of the company or companies involving merger or the amalgamation of any two or more companies and every order made by the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949 in respect of amalgamation or dissolution of Banking companies, or”.

**18 of 2013.**

**10 of 1949.**

**Amendment of  
section 17 of  
Bom.LX of 1958.**

**3.** In the principal Act, in section 17, for the second proviso, the following proviso shall be substituted, namely:-

“Provided further that the instrument, so far as it relates to an order of,-

- (i) the National Company Law Tribunal under section 232 of the Companies Act, 2013 in respect of a scheme for reconstruction of the company or companies involving merger or the amalgamation of any two or more companies;
- (ii) the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949 in respect of amalgamation or dissolution of Banking companies,

**18 of 2013.**

**10 of 1949.**

shall be stamped within thirty days from the date of such order of the National Company Law Tribunal or, as the case may be, the order of the Reserve Bank of India.”.

**Amendment of  
Schedule I to  
Bom.LX of 1958.**

**4.** In the principal Act, in Schedule I,-

(1) in article 7, -

- (i) for the words and figures “under section 97 of the Companies Act, 1956”, the words and figures “under the Companies Act, 2013” shall be substituted;
- (ii) in the Exemption, for the words and figures “under section 25 of the Companies Act, 1956”, the words and figures “under section 8 of the Companies Act, 2013” shall be substituted,

**1 of 1956.**

**18 of 2013.**

**1 of 1956.**

**18 of 2013.**

(2) in article 8,-

- (i) for the words and figures “ under section 97 of the Companies Act, 1956”, the words and figures “under section 64 of the Companies Act, 2013” shall be substituted;

**1 of 1956.  
18 of 2013.**

- 1 of 1956.  
18 of 2013.**
- (ii) in entry (a), for the words and figures “ under section 26 of the Companies Act, 1956”, the words and figures “under section 10 of the Companies Act, 2013” shall be substituted;
- 1 of 1956.  
18 of 2013.**
- (iii) in the Exemption, for the words and figures “under section 25 of the Companies Act, 1956”, the words and figures “under section 8 of the Companies Act, 2013” shall be substituted,

- 1 of 1956.  
18 of 2013.**
- (3) in article 12, in the Exemption, for the words and figures “ under section 25 of the Companies Act, 1956”, the words and figures “under section 8 of the Companies Act, 2013” shall be substituted,

- (4) in article 20, -

- 1 of 1956.  
18 of 2013.  
10 of 1949.**
- (i) in entry (d), for the words and figures “so far as it relates to reconstruction or amalgamation of companies by an order of the High Court under section 394 of the Companies Act, 1956”, the words and figures “so far as it relates to the scheme, for reconstruction of the company or companies involving merger or the amalgamation of any two or more companies by an order of the National Company Law Tribunal under section 232 of the Companies Act, 2013 or for amalgamation or dissolution of Banking Companies by an order of the Reserve Bank of India under section 44A of the Banking Regulation Act, 1949” shall be substituted;
- (ii) in Explanation III, in clause (a), for the words “order of the High Court” the words “order of the National Company Law Tribunal or, as the case may be, the order of the Reserve Bank of India” shall be substituted,

- (5) in article 35,-

- 1 of 1956.  
18 of 2013.**
- (i) in entry (a), for the words and figures “ under section 26 of the Companies Act, 1956”, the words and figures “under section 10 of the Companies Act, 2013” shall be substituted;
- 1 of 1956.  
18 of 2013.**
- (ii) in the Exemption, for the words and figures “ under section 25 of the Companies Act, 1956”, the words and figures “under section 8 of the Companies Act, 2013” shall be substituted,

- (6) in article 44,

- (i) in clause (1), for the words “Instrument of Partnership”, the words “Instruments of any partnership including, Limited

- Liability Partnership and joint Venture to run a business” shall be substituted;
- (ii) in clause (2),-
- (a) in entry (a), after the words “consequence of increase of the capital of the partnership”, the words “including, Limited Liability Partnership and joint Venture to run a business” shall be inserted;
- (b) in entry (b), after the words “alteration in constitution of the partnership”, the words “including, Limited Liability Partnership and joint Venture to run a business,” shall be inserted,
- (iii) in clause (3), -
- (a) after the words “Dissolution of”, the words “Partnership or retirement of partner including, Limited Liability Partnership and joint Venture to run a business,” shall be inserted;
- (b) in entry (a), after the words “contribution to partnership”, the words “inclusive of, Limited Liability Partnership and joint Venture to run a business,” shall be inserted,
- (7) in article 53, for the words and figures “ under the Companies Act, 1956”, the words and figures “under the Companies Act, 2013” shall be substituted.

**1 of 1956.  
18 of 2013.**

### **STATEMENT OF OBJECTS AND REASONS**

The Parliament has enacted Companies Act, 2013 repealing the Companies Act, 1956. However, some references of various sections of the erstwhile Companies Act, 1956 still exist in the Gujarat Stamp Act, 1958 which are require to be changed with the corresponding sections of the Companies Act, 2013. Accordingly, certain amendments have been proposed in the said Act of 1958.

Moreover, consequent to the enforcement of section 232 of the Companies Act, 2013, the National Company Law Tribunal has been empowered to sanction the scheme for reconstruction of the company or companies involving merger or the amalgamation of any two or more companies. It is, therefore, considered necessary to amend certain provisions of the Gujarat Stamp Act, 1958 in consonance with the provisions of the said Central Act of 2013.

Also, at present, the banking companies incorporated under the Banking Regulation Act, 1949 are not covered under the Gujarat Stamp Act, 1958 so far as the orders of their amalgamation and dissolution are concerned. Necessary amendments have been proposed in certain provisions of the said Act of 1958 to cover the orders of the amalgamation and dissolution of the said banking companies.

This Bill seeks to amend the said Act of 1958 to achieve the aforesaid objects.

**KAUSHIK PATEL,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill provides for delegation of legislative power in the following respects:--

*Clause 1.*— Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the said Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the, 7<sup>th</sup> March, 2018.

**KAUSHIK PATEL.**

By order and in the name of the Governor of Gujarat,

**K. M. Lala,**

Gandhinagar,  
Dated the 9<sup>th</sup> March, 2018.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary  
Affairs Department.

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT POLICE (AMENDMENT) BILL, 2018.

GUJARAT BILL NO. 26 OF 2018.

### A BILL

*further to amend the Gujarat Police Act, 1951.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Police (Amendment) Act, 2018. **Short title and commencement.**

(2) It shall come into force at once.

Amendment of  
section 2 of Bom.  
XXII of 1951.

2. In the Gujarat Police Act, 1951 (hereinafter referred to as “the principal Act”), in section 2,- **Bom. XXII of 1951.**

(1) clause (5A) shall be deleted;

(2) in clause (10), the words “and includes any eating house”, shall be deleted.

3. In the principal Act, in section 33,-

(1) in sub-section (1),-

(i) clause (xa) shall be deleted;

(ii) in clause (y),-

(a) for the words “licence, permission or certificate of registration” occurring at two places, the words “licence or permission” shall be substituted’;

(b) in the first proviso, the words “or a certificate of registration”, shall be deleted;

(C) in the second proviso, the words “or a certificate of registration”, shall be deleted;

(2) in sub-section (1A), for the brackets, word and letters “(wa), (x) and (xa)”, the brackets, word and letters “(wa) and (x)” shall be substituted;

(3) in sub-section (7), the words “or to refuse a certificate of registration for, or to prohibit the keeping of, any eating house, as the case may be” shall be deleted.

Amendment of  
section 131A of  
Bom. XXII of  
1951.

4. In the principal Act, in section 131A,-

(1) in sub-section (1), the words “or fails to obtain a certificate of registration, under this Act in respect of any eating house” shall be deleted;

(2) in sub-section (2),-

(i) the words “or the eating house”, shall be deleted;

(ii) the words “or as the case may be, eating house” shall be deleted;

(iii) the words “or a certificate of registration”, shall be deleted;

(3) in the marginal note, the words “or for not obtaining certificate of registration of in respect of eating house” shall be deleted.

**STATEMENT OF OBJECTS AND REASONS**

At present, the Gujarat Police Act, 1951 provides for various functions of the police officers of the State which includes granting certificate of registration before any eating house can be opened or run. While granting certificate of registration, the police authorities have regard to the rules made under section 33 of the said Act.

Several representations have been made by the Hotel Associations requesting the Government to do away with the requirement of obtaining registration for opening and running an eating house and the renewal thereof. Also that the Hotel owners have to obtain several permissions like the health licence, the GST registration, fire safety, Building Use permission etc. over and above the certificate of registration under the Gujarat Police Act, 1951.

As it is the need of the hour to reduce gradually and objectively the number of licences, registrations etc. for removing hardships to the business fraternity and as a step in the said direction, it is considered expedient to do away with the requirement of obtaining Certificate of Registration under the Gujarat Police Act, 1951 and to provide ease of doing business to the Hotel owners and for that purpose, it is considered necessary to amend sections 2, 33 and 131A of the said Act to achieve the aforesaid purpose.

This Bill seeks to amend the said Act of 1951 to achieve the aforesaid objects.

Dated the 15<sup>th</sup> March, 2018.

**PRADEEPSINH JADEJA.**

By order and in the name of the Governor of Gujarat,

**K. M. Lala,**

Gandhinagar,

Dated the 15<sup>th</sup> March, 2018.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary  
Affairs Department.

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## PART V

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(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE REGISTRATION (GUJARAT AMENDMENT) BILL, 2018.

### GUJARAT BILL NO. 27 OF 2018.

### A BILL

*further to amend the Registration Act, 1908 in its application to the State of Gujarat.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Registration (Gujarat Amendment) Act, 2018.

Short title and  
commencement.

(2) It shall come into force on such date, as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment of section 17 of XVI of 1908.**

**2.** In the Registration Act, 1908, in its application to the State of **XVI of 1908.** Gujarat (hereinafter referred to as “the principal Act”), in section 17,-

(i) in sub-section (1), -

(a) for clause (f), the following clause shall be substituted, namely:-

“(f) power of attorney intending to administer, manage and/or alienate immovable property in any manner, executed on or after the commencement of the Registration (Gujarat Amendment) Act, 2016;”;

**Guj.16 of 2016.**

(b) after clause (j), the following clause shall be added, namely:-

“(k) sale certificate issued by any competent officer or authority under any Central Act or State Act for the time being in force.”;

(ii) in sub-section (2), clause (xii) shall be deleted.

**Amendment of section 32 of XVI of 1908.**

**3.** In the principal Act, in section 32, the following Explanation shall be added at the end, namely:-

“**Explanation.-** For the purpose of this section the term “document” shall include the document presented by an electronic means.”.

**Amendment of section 34 of XVI of 1908.**

**4.** In the principal Act, in section 34, -

(i) after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) The registering officer may refuse to accept the non-testamentary documents relating to immovable property mentioned in sub-section (1) of section 17, if they are not accompanied by the -

- (a) proofs of identity of executing and claiming parties and witnesses;
- (b) proofs of authorization when the executant or claimant thereunder is representative or agent authorized by the person or entity whose document is to be registered;

- (c) sign or thumb impression/finger print (if the person is unable to sign) of one person from both executing and claiming parties, affixed on each and every page of the deeds submitted for registration;
  - (d) proof that the principal is alive, in cases where the document is executed by the power of attorney holder on behalf of the principal.”;
- (ii) the following Explanation shall be added at the end, namely:-

**“Explanation.-** For the purpose of this section the term “document” shall include the document presented by an electronic means.”.

5. (1) In the principal Act, in section 35, the following Explanation shall be added at the end, namely:-

**Amendment of section 35 of XVI of 1908.**

**“Explanation.-** For the purpose of this section the term “document” shall include the document presented by an electronic means.”.

6. In the principal Act, in section 69, in sub-section (1), after clause (j), the following clause shall be added, namely:-

**Amendment of section 69 of XVI of 1908.**

“(k) regulating the procedure for presentation of document, appearance for admission, endorsement, manner of affixing signature and seal, mode of payment of registration fees and other fees and such other process when the document is presented by electronic means.”.

7. In the principal Act, after section 89, the following sections shall be inserted, namely:-

**Insertion of new sections 89A, 89B, 89C and 89D in XVI of 1908.**

- Copies of court decrees, attachment orders, etc., to be sent to Registering Officers and filed in registers.**
- “89A. (1)** Every court passing,-
- (a) any decree or order creating, declaring, transferring, limiting or extinguishing any right, title or interest to or immovable property in favour of any person, or
  - (b) an order to interim attachment or attachment of immovable property or for the release of any

immovable property from such attachment shall, in accordance with the rules made in this behalf,

shall send a copy of such decree or order together with a memorandum describing the property as far as may be practicable, in the manner required by section 21, to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such decree or order, is situated, and such officer shall file the copy of the memorandum in his Book No 1:

Provided that, where the immovable property is situated within the local limits of the jurisdiction of more than one Registering Officer, the procedure specified in clauses (a) and (b) of this sub-section shall be followed in respect of the property within the jurisdiction of each of such officer.

(2) Every officer issuing a certificate of sale or a written demand before the attachment of the immovable property of a defaulter under the provisions of any law relating to Revenue Recovery for the time being in force including the Revenue Recovery Act, 1890, shall,-

1 of 1890.

- (a) send a copy of such certificate of sale or written demand together with a memorandum describing the property, as far as may be practicable, in the manner required by section 21;
- (b) where such written demand is withdrawn or attachment of property is lifted or the property sold and sale is confirmed, send a memorandum



indicating that fact and describing that property, as far as may be practicable, in the manner required section 21, to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property to which the written demand is situate, and such registering officer shall file a copy of the written demand and memorandum in his Book No 1:

Provided that, where the immovable property is situate within the local limits of the jurisdiction of more than one Registering Officer, the procedure specified in clauses (a) and (b) of this sub-section shall be followed in respect of the property within the jurisdiction of each of such officers.

Notice to be sent to Registering Officers by mortgag or in case of mortgage by depositing title deeds and provisions for compensation in favour of subsequent transferee.

**89B.** (1) Every person who has mortgaged immovable property by way of mortgage by depositing title deeds under clause (f) of section 58 of the Transfer of Property Act, 1882 shall, within 30 days from the date of mortgaged, file a notice of intimation of his having so mortgaged the property giving details of his name and address, name and address of mortgagee, date of mortgage, amount received under the mortgage, rate of interest payable, list of documents deposited, and description of the immovable property in the manner required by section 21, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property is situated, and the said officer shall file the same in his Book No 1:

4 of 1882.

Provided that if the property so mortgaged falls within the jurisdiction of more than one registering officer, the procedure specified in this sub-section shall be followed

in respect of property within the jurisdiction of each of such officers.

(2) If, the person who has mortgaged the property as aforesaid fails to file a notice within 30 days as referred to in sub-section (1) before the registering officer or officers, as the case may be and enters into any transaction in relation toof affecting the immovable property which is subject matterof the mortgage, with a third party, such a transaction shall be void and the third party shall be entitled to refund any amount paid by him together with interest at twelve per cent.from the date of payment and also to compensation for any damages suffered by him, from the transferor.

(3) The amount recoverable by such transferee as specified in sub-section (2) shall be a charge on the interest of the mortgagor, in the mortgaged property:

Provided that, nothing in this section shall apply to the instruments of agreement relating to mortgage by deposit of title deeds which are duly registered under the provisions of this Act.

**Punishment for failure to file notice under section 89B.**

**89C.** Any person who fails to file a notice under section 89B to the registering officer along with fees, within the period specified in that section, shall be punished with imprisonment for a term which shall not be less than one years but which may be for a term which may be extend up to three years and shall also be liable to fine.

**Power to make rules for filing of true copies of documents and notices referred in sections 89A and 89B.**

**89D.** (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of section 89A and section 89B.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for,-

(a) the manner in which notices or true copies of documents shall be prepared, and

(b) the manner of filing of the notices or true copies.

(3) All rules made under this section shall, be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

### STATEMENT OF OBJECTS AND REASONS

It is noticed that when the unregistered Power of Attorney is used for registration of Sale Deed, the person, who has executed the power of attorney, sometimes refuse to have executed the said Power of Attorney or the Power of Attorney has been misused by the holder of the Power of Attorney. It is, therefore, considered necessary to amend the existing provision of section 17(1) (f) of the Registration Act, 1908, so as to restrict registration of documents using fraudulent and false power of attorney and also to create a permanent record of such transactions.

Existing section 17(2) (xii) exempts for any certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue Officer from registration. To make the registration of such certificates compulsory, the clause (xii) of section 17(2) is proposed to be deleted and a new clause (k) is proposed to be added in sub-section (1) of section 17, to require compulsory registration of any certificate of sale granted to the purchaser by the Civil or the Revenue officer.

At present, there is no provision in the said Central Act for inquiry of title of the property. Therefore, new sub-section (1A) is proposed to be inserted in section 34 to provide a stable and guaranteed title and to prevent the unauthorized persons from creating false title over the property.

As per the existing provisions of sections 32, 34 and 35 of the said Central Act, the seller and/or buyers are required to be appeared before the Sub-Registrar for the relevant process of admission of execution for registration of the document. To facilitate e-Registration system it is considered necessary to amend the existing provisions of said sections 32, 34 and 35. Consequential amendment is also proposed in section 69 to empower the Inspector General of Registration to regulate e-Registration process.

New sections 89A to 89D are proposed to be inserted so as to make provisions to keep the record of any changes made in the title of the immovable property.

This Bill seeks to amend the said Central Act of 1908 to achieve the aforesaid objects.

**KAUSHIK PATEL,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill provides for delegation of legislative power in the following respects:--

*Clause 1.*— Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the said Act shall come into force.

*Clause 7.*---Sub-section (1) of new section 89D proposed to be inserted by this clause empowers the State Government to make, by notification in the *Official Gazette*, rules generally for carrying out the purposes of sections 89A and 89B.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 20<sup>th</sup> March, 2018.

**KAUSHIK PATEL.**

By order and in the name of the Governor of Gujarat,

**K. M. Lala,**

Gandhinagar,  
Dated the 20<sup>th</sup> March, 2018.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary  
Affairs Department.

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT VALUE ADDED TAX (AMENDMENT) BILL, 2018.

### GUJARAT BILL NO. 28 OF 2018.

### A BILL

*further to amend the Gujarat Value Added Tax Act, 2003.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

Short title  
and  
commencement

1. (1) This Act may be called the Gujarat Value Added Tax (Amendment) Act, 2018.

Insertion of  
new section  
84A in Guj. 1  
of 2005.

(2) It shall come into force at once.

2. In the Gujarat Value Added Tax Act, 2003, after section 84, the following section shall be deemed to have been inserted with effect from the 1<sup>st</sup> day of April, 2006, namely:- **Guj.1 of 2005.**

**Exclusion  
of period  
in some  
cases.**

**“84A.**(1) Notwithstanding anything contained in this Act, an issue on which the Appellate Authority or the Appellate Tribunal or the High Court has given its decision which is prejudicial to the interest of revenue in some other proceedings and an appeal to the Appellate Tribunal or the High Court or the Supreme Court against such decision of the Appellate Authority or the Appellate Tribunal or the High Court is pending, the period spent between the date of the decision of the Appellate Authority and that of the Appellate Tribunal or the date of decision of the Appellate Tribunal and that of the High Court or the date of the decision of the High Court and that of the Supreme Court shall be excluded in computing the period referred to in section 34 or section 35.

(2) Notwithstanding anything contained in this Act, if any decision or order under section 73 or section 75 involves an issue on which the Revision Authority or Appellate Authority or the High Court has given its decision which is prejudicial to the interest of revenue in some other proceedings and an appeal to the High Court or the Supreme Court against such decision of the Appellate Tribunal or the High Court is pending, the period spent between the date of the decision of the Appellate Tribunal and the date of the decision of the High Court or the date of the decision of the High Court and the date of the decision of the Supreme Court shall be excluded in computing the period of limitation referred to in section 73 or section 75.”

**STATEMENT OF OBJECTS AND REASONS**

After implementation of the Gujarat Value Added Tax Act, 2003 in the State, amendments have been made from time to time for better administration and tax compliance.

It is noticed that in some cases under the said Act, orders are passed by the authorities under the Gujarat Value Added Tax Act, 2003, but the appellate authorities including the High Court or the Supreme Court have decided the matters before them involving similar issues, due to which if the orders passed by the authorities under the said Act are allowed to stand which are contrary to the judgment/s of the said appellate authorities, they will be prejudicial to the Government revenue unless they are taken in revision under the said Act. Section 84 of the Act that provides for exclusion of period of limitation in certain cases, does not provide the exclusion of time spent between the judgment of Appellate Court and the Higher Court when the earlier judgment is prejudicial to the interest of revenue.

It is therefore, considered necessary and expedient in the interest of safeguarding the revenue, to insert section 84A so as to provide the contingency for exclusion of the period spent between the earlier judgment and later judgment of any Appellate Authority, Tribunal, High Court, or as the case may be, Supreme Court involving issue prejudicial to the interest of revenue.

This Bill seeks to amend the said Act of 2003 to achieve the aforesaid objects.

Dated the 21<sup>st</sup> March, 2018.

**NITIN PATEL.**

By order and in the name of the Governor of Gujarat,

**K. M. Lala,**

Gandhinagar,

Secretary to the Government of Gujarat,

Dated the 21<sup>st</sup> March, 2018.

Legislative and Parliamentary  
Affairs Department.

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT PRIVATE UNIVERSITIES (SECOND AMENDMENT) BILL, 2018.

GUJARAT BILL NO. 29 OF 2018.

### A BILL

*further to amend the Gujarat Private Universities Act, 2009.*

**Guj.8 of 2009.** WHEREAS the Sarvodaya Kelavani Samaj, Rajkot has applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish a Private University in the State;

AND WHEREAS the said application has been scrutinised by the Scrutiny Committee and on the report of the Scrutiny Committee, the State Government has issued the Letter of Intent to the respective sponsoring body for establishment of a Private University;

AND WHEREAS the State Government is satisfied that the sponsoring body has complied with the conditions of Letter of Intent as provided in section 10 of the said Act and has also established the Endowment Fund as per the Letter of Intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, includes the institution specified in column 2 of the Schedule as a Private University, by the name and location of the aforesaid sponsoring body as specified in column 4 of the Schedule.

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

**Short title and commencement.**

**1.** (1) This Act may be called the Gujarat Private Universities (Second Amendment) Act, 2018.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment of Schedule to Guj.8 of 2009.**

**2.** In the Gujarat Private Universities Act, 2009, in the Schedule, after the entry at serial No. 27, the following entry shall be inserted, namely:- **Guj.8 of 2009.**

Sr. No.	Name and Address of the Private University	Details of Registration and Registration Number	Sponsoring Body
1.	2.	3.	4.
“28.	Atmiya University, “Yogidham Campus”, kalawad Road, Rajkot.	Registration under the Gujarat Public Trusts Act, 1950. Registration No: F/28/Rajkot. Date: 10.5.2000.	Sarvodaya kelavani Samaj, Yogidham Gurukul, Kalawad Road, Rajkot-380005.”.

**STATEMENT OF OBJECTS AND REASONS**

The State Government has enacted the Gujarat Private Universities Act, 2009 (Guj. 8 of 2009) to provide for establishment of Private Universities in the State so as to provide for qualitative and industry related higher education and to regulate their functions in accordance with the provisions of the Act. A private University declared as such under the said Act is required to administer the affairs of the University as per the provisions of the said Act and the Governing Body, the Board of Management, the Academic Council and such other authorities are required to perform their duties and discharge their functions as provided in the said Act and the constitution of such bodies shall be as provided in the said Act.

The State Government has received the proposal from the Sarvodaya Kelavani Samaj, Rajkot for establishment of the “Atmiya University, Rajkot” as a Private University. Section 10 of the said Act provides that if the State Government is satisfied that the Sponsoring Body has complied with the conditions of Letter of Intent, then, the State Government is required to bring appropriate legislation for inclusion of the name of the University in the Schedule to the said Act. The said proposal has been considered by the Scrutiny Committee appointed under section 8 of the said Act and the Committee has submitted its report to the State Government and on the basis of such report, the State Government has, having been satisfied, issued a Letter of Intent as provided under section 9 of the Act and since the sponsoring body has complied with the conditions of the Letter of Intent, it is considered necessary to include the name of the University in the Schedule to the Act as envisaged under section 10 of the said Act.

This Bill seeks to amend the said Act to achieve the aforesaid object.

**BHUPENDRASINH CHUDASAMA,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative power in following respect:-

**Clause 1. -** Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 21<sup>st</sup> March, 2018.

**BHUPENDRASINH CHUDASAMA.**

By order and in the name of the Governor of Gujarat,

**K. M. Lala,**

Gandhinagar,

Dated the 21<sup>st</sup> March, 2018.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary  
Affairs Department.

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill which was Introduced on 22<sup>nd</sup> March, 2018 by Dr. Nimaben Acharya, M.L.A., is published under rule 127-A of the Gujarat Legislature Assembly Rules for general information

### GUJARAT BILL NO. 30 OF 2018

### THE GUJARAT PROMOTION OF SMALL FAMILY (INCENTIVE) BILL, 2018

#### A BILL

To provide for incentive to persons who get sterilized under the Small Family Scheme.

Whereas, the human population is increasing in spite of effective measures taken by Government to check the growth of population;

And whereas, it is expedient to introduce some incentive to the persons who have restricted the size of family with two children living;

It is hereby enacted in the Sixty-ninth year of the Republic of India, as follows, namely:-

1. (1) This Act may be called the Gujarat Promotion of small Family (Incentive) Act, 2018.

Short title,  
extent and  
commencement.

(2) It shall extend to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Incentives for  
Voluntary  
sterilization.

2. On and from the date of coming into force of the provisions of this Act, every adult person who undergoes sterilisation voluntarily and have not more than two children living shall be entitled to receive incentives specified in section 4 from the State Government.

Facility for  
sterilization  
at Hospitals.

3. (1) The Central or State Government owned Hospital in the Gujarat State or any Health Centre owned by local Authority or, private Hospital in the State of Gujarat as may be notified by the State Government may perform sterilization operation without taking any charge of any adult person who is ordinary resident of this State and shall give certificate under the signature and seal of the Medical Officer performing such operation to the concerned person.

(2) It shall be the duty of concerned Government Hospital, Health Centre or private Hospital to maintain the record of persons sterilized, their free consent for it, in the manner as may be prescribed by the State Government.

(3) Private Hospitals shall be paid charge per sterilization at the rate as may be determined by the State Government and expense for the same shall be met with the Annual Grant provided to Health Department for the purpose of Family Welfare Programme.

List of  
Incentives.

4. Every adult who voluntarily agrees to abide to two children (living) norms and undergoes sterilization shall be entitled to all or any of the following incentives:-

(a) Employment to one child in the Government service Class III or IV post provided he fulfil the requisite qualification and criteria.

(b) Relaxation of upper age limit by five years for entering in Government service.

(c) Special Health Card which entitles to free medical treatment in State Government Hospitals and Hospitals manned by the Local Authorities including reimbursement of expenses on medicine.

(d) Fifty percent financial aid by way of payment of tuition fees in private schools for two children.

(e) In case of girl child entire expense of education in private school and colleges including expenses for medical and technical education in private colleges and Hostel fees including Food Bill.

(f) Lump-sum financial assistance of rupees one lac for marriage of each girl child if the individual has both girl child.

(g) If the individual is in the service of State Government or semi Government three advance increments and in case of both the husband and wife are in Government or semi-Government job, both shall be entitled for such increment.

(h) Special food grain card and entitling food grain the stipulated rate to be determined by the State Government.

5. If any adult eligible for incentive under this Act, restores to reproductive capacity except on medical ground the incentives granted shall stand revoked.

6. The State Government may make rules for carrying into effect of the provisions of this Act.

Revoking  
incentives.

Power to  
make rules.

**STATEMENT OF OBJECTS AND REASONS**

It is experienced that the population growth of the state of Gujarat is required to be controlled so that fruits of development can reach to a larger population. It is also experienced that people can be motivated for voluntary sterilization, if certain incentives are granted by the state Government. Hence, it is considered necessary to make provision for incentives in the form of employment under Government, Free health care, Free education including higher education and college education, subsidized food articles, advance increments to Government employees, financial assistance for a marriage of a girl child.

If the provision of the Act is brought into force, it may lead to rapid progress of the nation. Adoption of incentives in rural and urban areas shall also lead to family welfare in the country in true sense.

Hence, this Bill.

Dated 14<sup>th</sup> February 2018  
Gandhinagar

DR.NIMABEN ACHARYA  
M.L.A.

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**FINANCIAL MEMORANDUM**

If the provision of this Bill is brought into force, there shall be expenditure from the Consolidated Fund of the State on incentives to be granted to individual and also on payment to private hospital for sterilization. The exact amount of expenditure cannot be worked out at this stage.

Dated 14<sup>th</sup> February 2018  
Gandhinagar

DR.NIMABEN ACHARYA  
M.L.A.

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**MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill involves delegation of legislative powers in the following respects:-

**Clause 3** of the Bill provides to prescribe the manner in which the record of persons sterilized shall be maintained.

**Clause 6** of the Bill empowers the State Government to frame rules for the purpose of carrying out the objects of the Act.

The delegation of aforesaid legislative powers are necessary and of a normal character.

Dated 14<sup>th</sup> February 2018  
Gandhinagar  
Gandhinagar,  
Dated the 22<sup>nd</sup> March, 2018.

DR.NIMABEN ACHARYA  
M.L.A.  
D.M.PATEL  
Secretary,  
Gujarat Legislative Assembly

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Government Central Press, Gandhinagar.



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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill which was Introduced on 22<sup>nd</sup> March, 2018 by Shri Amit Chavda, M.L.A., is published under rule 127-A of the Gujarat Legislature Assembly Rules for general information

Gujarat Bill No.31.of 2018.

### THE GUJARAT ECONOMICALLY BACKWARD CLASSES (RESERVATION OF SEATS IN EDUCATIONAL INSTITUTIONS IN THE STATE AND OF APPOINTMENTS AND POSTS IN SERVICES UNDER THE STATE) BILL, 2018.

#### A BILL

to provide for the reservation of seats in educational institutions in the State and of appointments and posts in the services under the State for economically backward classes and for matters connected therewith or incidental thereto.

WHEREAS the Preamble to the Constitution of India has among other things emphasized on securing to all citizens justice, economical and political, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and promoting them among all,

AND WHEREAS Article 38(2), Directive Principles to the State Policy, states that the State shall, in particular, strive to minimize inequalities in income, and endeavor to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations,



AND WHEREAS the Union Government and the State Govt. as such have adopted policy for advancement of backward classes. As a result, the Union Govt. has constituted at the central level. A separate Commission for Scheduled Tribes and Scheduled Castes and the Gujarat Govt. has also constituted at the state level a Commission for Socially and Educationally backward Classes and Nomadic Tribes and De-notified Tribes for advancement of people belonging to these categories,

AND WHEREAS the policy of reservation for the advancement of the people belonging to Scheduled Castes, Scheduled Tribes and Socially and Educationally backward Classes including Nomadic Tribes and De-notified Tribes in the educational institutions and in appointments and posts in the services under the State has been under implementation since long,

AND WHEREAS as a result of such policy a large percentage of population of Gujarat who was suffering from social and educational backwardness for many years have now been able to get opportunities for inclusive growth and to improve their lot and attain a high standard of living,

AND WHEREAS, a significant percentage of population, who have not been covered under either of the reservation policies, is feeling that very injustice has been done to them by not covering them under either category of reservation even if they are economically backward than the rest. The poorest class people of the unreserved category, due to their economic weakness, are unable to compete with the affluent class people, as a result of which they are gradually becoming socially and educationally backward day by day. It is therefore, the need of the hour to identify and examine the requirements of those economically backward class people of general categories who are not covered under the existing reservation benefits available to the Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes including Nomadic Tribes and De-notified Tribes,

AND WHEREAS looking to the extra ordinary situation prevailing in the State since last year, extension of reservation in admissions to educational institutions and in appointments and posts in the services under the State to economically backward people in the State has to be ensured for their advancement, continuing the existing policy of the State of reservation for Scheduled Castes, Scheduled Tribes and Socially and Educationally Backward Classes and Nomadic and de-notified Tribes,

NOW THEREFORE it is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

Short title, extent  
and commencement

1. (1) This Act may be called the Gujarat Economically Backward Classes (Reservation of Seats in Educational Institutions in the State of Appointments and Posts in Services under the State) Act, 2018.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.

2. In this Act, unless the context otherwise requires-

**Definitions**

(a) 'Committee' means the committee appointed by the State Government under section 6 of this Act;

(b) 'Economically Backward Classes' means the classes consisting of persons not included in any other category of reservation, declared as such by the State Govt. by notification in the official gazette, for the purposes of this Act;

(c) 'prescribed' means prescribed by rules made under this Act;

(d) 'Services under the State' means the public services and posts in connection with the affairs of the State and includes the services and posts in;

(i) Any local authority,

(ii) Any corporation or company owned or controlled, wholly or substantially, by the State Government,

(iii) Any other authority or body constituted by or under an Act of the State Legislature and funded, wholly or substantially, by the State Govt.; and

(iv) Respect of which reservation was applicable by Government orders on the date of commencement of this Act and which are not covered under sub-clauses (i) to (iii);

3. The reservation in respect of the annual permitted strength for admission into such educational institutions and courses in the State, as may be prescribed, for Economically Backward Classes, shall be twenty percent.

**Reservation of seats in educational institutions and courses**

4.(1) The reservation of appointments and posts in the services under the State for the Economically Backward Classes shall be twenty percent.

**Reservation of Appointments and posts in the services under the State**

(2) Notwithstanding anything contained in sub-section (1), reservation in matters of promotion shall be only for the Scheduled Castes and Scheduled Tribes.

5. Notwithstanding anything contained in section 4, there shall be no reservation in respect of the following posts;

**No reservation in certain cases.**

(a) the posts to be filled by transfer or deputation; and

(b) the post which is single (isolated) in any cadre or grade.

6.(1) A committee consisting of not more than five eminent and expert persons shall be appointed by the State Government within thirty days of the coming into force of this Act.

**Committee**

(2) The chairman of the committee shall be appointed by the State Government.

<b>Functions of the committee</b>	<p>7. (1) The committee after considering all the aspects suggest a criteria to be fixed for identifying and recognizing the economic backwardness for considering the reservation.</p> <p>(2) The committee shall also consider suggestions received from public and tendered by the State Government.</p>	
<b>Report of the Committee</b>	<p>8. (1) The committee shall submit its report to the State Government within sixty days of the constitution of the committee.</p> <p>(2) The State government shall cause it to be laid before the State Legislature in the session immediately following.</p>	
<b>Pay and allowances and secretarial facilities</b>	<p>9. (1) The remuneration, pay and allowances to be paid to the chairman and the members shall be such as may be prescribed by the State Government.</p> <p>(2) The State Government shall render all the secretarial and other facilities to the committee at once.</p>	
	<p>10. (1) The State Government may, make rules for carrying out the purposes of this Act.</p> <p>(2) All rules made under this section shall be laid, as soon as may be after they are so made, before the house of the State Legislature, while it is in session, for a period of not less than thirty days, which may be comprised in one session or in two successive sessions and, if before the expiry of the sessions in which they are so laid or of the sessions immediately following, the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rules thereafter shall have effect only in such modified form or be of no effect, as the case may be, so however that any modification or annulment shall be without prejudice to the validity of anything previously done there under.</p>	<b>Power to make rules</b>
	<p>11. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the official Gazette, do anything, not inconsistent with the provisions of this Act, which appears to it necessary or expedient for removing the difficulty;</p> <p>Provided that no order under this section shall be made after the expiry of a period of two years from the commencement of this Act.</p> <p>(2) Every order made under this section shall be laid, as soon as may be, after it is so made, before the house of the State legislature.</p>	<b>Removal of difficulties</b>
	<p>12. No suit, prosecution or other legal proceedings shall lie against any authority or person for anything done or purported to have been done in good faith in pursuance of the provisions of this Act or the rules made there under.</p>	<b>Protection of action taken in good faith</b>
	<p>13. (1) The existing reservation for Scheduled Castes, Scheduled Tribes and Socially and Educationally backward Classes and Nomadic Tribes and De-notified Tribes shall be continued.</p> <p>(2) Nothing in this Act shall have effect to the existing provisions for reservation for Scheduled Castes, Scheduled Tribes or Socially and Educationally Backward Classes and Nomadic Tribes and De-notified Tribes.</p>	<b>Savings</b>

**STATEMENT OF OBJECTS AND REASONS.**

The policy of reservation for the social, economic and educational advancement of the people belonging to backward classes of citizens in admissions to educational institutions in the state and for appointments in the services under the state has been under implementation in the State of Gujarat for a long time. A large percentage of population of Gujarat suffering from social and educational backwardness for many years have been provided support structure by the reservation policy and which would enable them to improve their standard of living.

Our Country has adopted a policy of Welfare State. Hence the policy of reservation for Scheduled Castes and Scheduled Tribes as adopted by the Central Government is in force in the State of Gujarat since the inception of Gujarat State. The Gujarat Government has also adopted a policy for reservation of Socially and Educationally Backward Classes, Nomadic Tribes and De-notified Tribes since more than three decades and the State Government has constituted the Commission for Socially and Educationally Backward classes for this purpose. This Commission has identified some castes and communities as socially and educationally backward and accordingly the State Government has declared those castes and communities as such and reservation has been provided to them. This commission has identified those castes and communities as backward people based only on the ground of their social and educational backwardness. But large section of economically backward people, who are actually poorer in the State has been left out and they do not get the benefit of reservation in absence of a policy by the State Government. Economically backward people in the State of Gujarat are therefore agitating and demanding for reservation on the ground of economically backwardness. Some States like Rajasthan have adopted policy for reservation on the ground of economically backwardness and have implemented it in their States.

With a view to fulfill a long standing demand from the poorest classes of the unreserved categories a legislation therefore is required to be passed by the State Legislative Assembly to this effect. This Bill therefore provides for constituting a committee of eminent and expert persons to decide as to what criteria should be adopted to consider the economical backwardness. The committee shall submit its report on this matter to the State Government within sixty days and the State Government shall with or without modification thereto, implement it within thirty days. This Bill ensures justice and equality as enshrined in our Constitution and continues the existing policy of reservation of the State and the Central Government and extends the benefits of reservation also to the Economically Backward Class people of the State in educational Institutions and of appointment and post of the tune of twenty percentage.

Hence this Bill.

**Gandhinagar,  
Dated the 6<sup>th</sup> March, 2018.**

**AMIT CHAVDA  
M.L.A.**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 3 of the Bill, empowers the State Government to prescribe the educational institutions and courses in which reservation would be applicable.

Clause 6 of the Bill empowers the State Government to appoint chairman and members of the committee.

Clause 9 of the Bill empowers the State Government to prescribe remuneration, pay and allowances to be paid to the chairman and members of the committee.

Clause 10 of the Bill empowers the State Government to make rules for carrying out the purposes of the Act.

The proposed delegation is of normal character.

**Gandhinagar,  
Dated the 6<sup>th</sup> March, 2018.**

**AMIT CHAVDA  
M.L.A.**

**FINANCIAL MEMORANDUM**

Clause 9 of the Bill provides for payment of remuneration, pay and allowances to the chairman and members of the committee and rendering secretarial and other facilities to the committee. This Bill if enacted and brought into operation is estimated to involve from the Consolidated Fund of the State a no-recurring expenditure of about ten lac Rupees in the initial year.

**Gandhinagar,  
Dated the 6<sup>th</sup> March, 2018.**

**AMIT CHAVDA  
M.L.A.**

**Gandhinagar,  
Dated the 22<sup>nd</sup> March, 2018.**

**D.M.PATEL  
Secretary,  
Gujarat Legislative Assembly**

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सत्यमेव जयते

# The Gujarat Government Gazette

## EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

#### PART V

#### Bills introduced in the Gujarat Legislative Assembly

The following bill which was Introduced on 22<sup>nd</sup> March, 2018 by Shri Naushadji Solanki, M.L.A., is published under rule 127-A of the Gujarat Legislature Assembly Rules for general information.

#### Gujarat Bill No. 32 Of 2018

#### The Gujarat Scheduled Caste Sub – Plan and Tribal Sub – Plan (Planning, Allocation and Utilization of Financial Resources) Bill, 2018

#### A Bill

*to provide for earmarking a portion of state plan outlay for the Scheduled Castes Sub-plan and Tribal Sub-Plan in proportion to the population of Scheduled Castes and Scheduled Tribes and to put in place an institutional mechanism for preparation, implementation and monitoring of sub-plan and for matters connected therewith Or incidental thereto;*

It is enacted in the Sixty Ninth Year of the Republic of India as follows:-

#### Chapter - I Preliminary

1. (1) This Act may be called The Gujarat Scheduled Caste Sub-Plan and Scheduled Tribe Sub-Plan (Planning, Allocation and Utilization of Financial Resources) Act, 2018. Short title, extent and commencement

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into operation with immediate effect.

**Definitions**

2. In this Act, unless context otherwise requires;
- (a) “Department” means a Government Department entrusted with implementation of the plan schemes for the welfare of the Scheduled Caste and Scheduled Tribes;
  - (b) “Gaps in the Development” means differences in development indicator of the Scheduled Castes or the Scheduled Tribes when compared to state averages, as may be prescribed particularly relating to human and economic development;
  - (c) “General Schemes” means Schemes included in the annual Plans of the Departments which benefit all social groups including the Scheduled Castes and the Scheduled Tribes;
  - (d) “Government” means, the Government of Gujarat;
  - (e) “Nodal Agency for SCSP / STP” means the Nodal Agency constituted under Section 5 of Chapter -2;
  - (f) “Prescribed” means prescribed by the rules made under the Act;
  - (g) “State Council” means the State Council for Development of the Scheduled Castes and Scheduled Tribes Constituted under Section 3 of the Chapter -2;
  - (h) “Scheduled Caste and Scheduled Tribe” shall have the meaning assigned respectively under clauses (24) and (25) of the Article 366 of the Constitution of India;
  - (i) “Scheduled Caste Sub – Plan (SCSP)” means the Plan approved by the State Council for inclusion in the annual plan of the Department to bridge the gap in development of the Scheduled Castes including the Scheduled Castes component of general schemes;
  - (j) “Scheduled Castes Sub – Plan / Tribal Sub – Plan Fund” means a portion of the total plan outlays of the state, in a financial year as earmarked under the section 13 of the Chapter – 3;
  - (k) “Scheduled Castes Sub – Plan / Tribal Sub – Plan Schemes” means the Scheduled Castes Sub – Plan / Tribal Sub – Plan Schemes included in the Scheduled Castes Sub – Plan / Tribal Sub – Plan of the Department;
  - (l) “Scheduled Castes or Scheduled Tribes habitation” means any habitation where population of the Scheduled Castes or Scheduled Tribes or combined population of Scheduled Castes and Scheduled Tribes are not less than twenty percent of the total population of the habitation;
  - (m) “Sub – Plan” means Scheduled Castes Sub – Plan (SCSP) or Tribal Sub – Plan (TSP) or both;



- (n) “Total Plan outlay of the State” means the Plan outlay for which resources of the State are applied;
- (o) “Tribal Sub – Plan (TSP)” means the plan approved, by the State Council for inclusion in the annual plan of the department, to bridge the gap in the development of the Scheduled Tribes including the Scheduled Tribes Component of the general schemes;

## Chapter – II

### Institutional Arrangement

3. The State Council for Development of the Scheduled Castes and Scheduled Tribes; **State Council**
- (1) As soon as may be, after the commencement of this Act, the Government shall, by notification, constitute a Council to be known as the State Council for the Development of Scheduled Castes and Scheduled Tribes to exercise the powers conferred and perform the functions assigned to it under the Act.
- (2) State Council shall consist of following, namely
- |      |   |   |                   |
|------|---|---|-------------------|
| (1)  | The Chief Minister  | : | Chairman          |
| (2)  | Minister for Social Justice and Empowerment                                   | : | Vice Chairman     |
| (3)  | The Minister for Revenue  | : | Member            |
| (4)  | Leader of opposition  | : | Member            |
| (5)  | Minister for Panchayat and Rural Development                                  | : | Member            |
| (6)  | Minister for Education  | : | Member            |
| (7)  | Minister for Road and Building  | : | Member            |
| (8)  | Minister for Finance  | : | Member            |
| (9)  | Five MLA belonging to SC and 7 MLA belonging to ST as nominated by Government | : | Membber           |
| (10) | The Secretary/Principal Secretary Finance                                     | : | Ex-officio Member |
| (11) | The Secretary/Principal Secretary Social Justice and Empowerment              | : | Ex-Officio Member |
- (3) The Secretary to Government in charge of the Departments for which allocations are made shall be special invitees of the State Council
- (4) The Term of the nominated MLA shall be three years.
- (5) The nominated members shall be eligible for such allowances and fee as may be prescribed.
- (6) The State Council shall meet every three months regularly.
4. Function of the State Council;  
The State Council shall perform the following functions, namely; **Function of State Council**



- (1) Advise the State Government on all the policy matter relating to the Scheduled Castes Sub-Plan / Tribal Sub-Plan
- (2) Suggest measures for proper planning and implementation of the Schemes by the Departments
- (3) Approve the annual Scheduled Castes Sub-Plan/Tribal Sub-Plan proposals of the departments; and
- (4) Perform such other functions as may be prescribed.

**Nodal Agency**

5. Nodal Agency and Nodal Department.  
Nodal Agency for the Scheduled Castes Sub-Plan / Tribal Sub-Plan shall consist of the following, namely;

- (1) The Minister for Social Justice and Empowerment : Chairman
- (2) The Minister for Tribal Development : Co- Chairman
- (3) Five MLA belonging to SC for SCSP : Member
- (4) Five MLA belonging to ST for TSP : Member
- (5) The Secretary/Principal Secretary to Government Social Justice and Empowerment : Member Secretary
- (6) The Secretary/Principal Secretary to Government Planning Department : Member
- (7) The Secretary/Principal Secretary of all Departments for which allocations are to be made shall be special invitees : Member
- (8) The Director, Social Justice welfare : Convener SCSP
- (9) The Director, Tribal Development : Convener TSP

**Nodal Agency  
Function**

6. Functions of the Nodal Agency;  
The Nodal Agency with the assistance of the respective department shall perform the following functions;
  - (1) Evaluate and appraise the Scheduled Caste Sub-Plan or Scheduled Tribe Sub-Plan proposed by the departments for ensuring conformity to the provisions of this Act.
  - (2) Prepare the State Scheduled Castes Sub-Plan / Tribal Sub-Plan for placing before the State Council for Development of Scheduled Caste and Scheduled Tribe for consideration and approval.
  - (3) Review the implementation and monitoring of the Scheduled Castes Sub-Plan / Tribal Sub-Plan programme;
  - (4) Identifying impediments and suggest measures for overcoming the impediments;
  - (5) Co-ordinates with the departments for the preparation of the State level and district level Scheduled Castes Sub-Plan / Tribal Sub-Plan;

- (6) Maintain transparency in expenditure; maintain scheme wise; district wise, village wise and beneficiary wise details as may be prescribed; set up web portal for tracking the progress of the implementation, expenditure, output and out come indicators as may be prescribed in Scheduled Castes Sub-Plan / Tribal Sub-Plan;
  - (7) Facilitate at least annual social auditing of expenditure of Scheduled Castes Sub-Plan or Tribal Sub-Plan funds and facilitate analysis of improvement in Human Development Index against the projection for the state and district;
7. Allocation of Scheduled Castes Sub-Plan funds and Tribal Sub-Plan fund for financing the Scheduled Castes Sub-Plan / Tribal Sub-Plan scheme included in the Sub-Plan. **Allocation of Funds**  
 The Nodal agency, while indicating allocation of the Scheduled Castes Sub-Plan or Tribal Sub-Plan shall follow the following norms namely;
  - (1) For schemes exclusively benefiting the Scheduled Castes or the Scheduled Tribe individuals or the Scheduled Caste or Scheduled Tribes households 100% of scheme cost shall be allocated and accounted for under the Scheduled Castes Sub-Plan or Tribal Sub-Plan
  - (2) The Schemes benefiting the Scheduled Castes or Scheduled Tribes habitations, 100% of schemes cost shall be allocated and accounted for under the Scheduled Castes Sub-Plan or Tribal Sub-Plan fund. In case of other habitations, the cost shall be allocated and accounted for under the Scheduled Castes Sub-Plan or Tribal Sub-Plan in proportion of the population of the Scheduled Castes or Scheduled Tribes;
  - (3) For general social sector schemes, that is education, health, women and child, labour, physically handicapped including in the Sub-Plans, benefiting the Scheduled Castes or Scheduled Tribes individuals or the Scheduled Castes or Scheduled Tribes households, along with others, the scheme cost shall be allocated and accounted for under Scheduled Castes Sub-Plan or Tribal Sub-Plan, in proportion to the scheduled Castes or Scheduled Tribe population;
  - (8) In any case, where direct beneficiaries belonging to Scheduled Caste or Scheduled Tribe are less than 75%, no non-divisible infrastructure scheme shall be allocated under Scheduled Caste Sub-Plan or Scheduled Tribe Sub-Plan.
8. Scope of Priority Schemes; **Priority Scheme**  
 The Nodal Agency and the Ministries / Departments and other Agencies of the Government, in particular give high priority to the following schemes;
  - (1) Providing agricultural land of a viable extent to all rural landless SC families including families with unviable extents of land;

- (2) Restoration of Schedule Tribes to originally Tribal lands now in the possession or occupation of others and restoration and protection of traditional access to common resources and natural resources in tribal areas;
- (3) Irrigation, particularly group irrigation, for all lands of Scheduled Castes and Scheduled Tribes;
- (4) Residential schools of high quality to ultimately cover all SC and ST boys and girls up to Class XII;
- (5) Coaching schemes of high quality in the last years in school to equip the SC and ST boys and girls to compete for selections to professional and other higher educational institutions
- (6) Scholarships to all SC and ST boys and girls studying professional education – like engineering, nursing, medical, Business administration, management studies etc.,
- (7) Schemes to promote higher education;
- (8) Provision of house-sites and adequate houses with all facilities for all SC and ST families;
- (9) Provision of civic amenities and facilities necessary for SC and ST habitations, drinking water facilities, adequate housing, sanitation facilities; community hall with 24 x 7 electricity and computers to be used as study centres for SC and ST children and for other common developmental and welfare activities, internal roads, electricity, telephonic and digital links, postal links and Wi-Fi links;
- (10) Provision of all necessary connectivities for SCs and STs habitation.
- (11) Provision of ration shops, private shops, and other facilities;
- (12) Pension facilities (old age, widow, single women etc.);
- (13) Health care facilities for all kinds of minor and major ailments; Schemes for reduction of neo-natal mortality, infant mortality, child mortality, maternal mortality, malnutrition, anaemia among SCs and STs, especially SC and ST children and women, and bringing them to the level of Socially Advanced Castes;
- (14) Total liberation, comprehensive and sustainable rehabilitation of bonded labourers and prevention of relapse of bonded labourers and prevention of fresh recruitment of bonded labourers;
- (15) Measures for preventing fresh recruitment of manual scavengers and humanisation of other sanitation services such as introduction of modern machinery to clear sewages without human beings having to get into man-holes;
- (16) Schemes for skill development, entrepreneurship development, fulfilment of reservations and equipping SCs and STs to compete successfully for open competition jobs and posts;
- (17) Schemes for promoting and supporting NGOs from Scheduled Caste and Scheduled Tribe communities;
- (18) Schemes that will benefit SCs and STs directly and are related to Acquiring, Owning and Building up Material Assets:

owning agricultural land, irrigation facilities, land for housing and cemetery/ cremation, private land for conducting commerce and business, private land for starting public educational institutions in arts, science and technology; public land for common use in SCs residential areas/hamlets; common property resources for grazing cattle and collecting firewood, etc.,

- (19) Schemes that will benefit SCs and STs and are related to Developing Commerce, Trade, Business through Entrepreneurship Enterprises: Special loans with concessional interests for contractual business, for agricultural development, for self-employment commercial projects, for contractual projects, for commercial film production, etc.,

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| 9.  | Recommendation by Nodal Agencies and the Nodal Departments.<br>The schemes that fulfil the norms laid down in the Act shall be recommended by the Nodal Agency for inclusion in the annual Plan proposals of the departments and aggregated for placing before the state council for development of the Scheduled Caste and Scheduled Tribes for consideration and approval as pre-budget process. | <b>Nodal Agency</b>                           |
| 10. | Administrative and Technical support to the Nodal Department.<br>The Government shall provide required technical and other staff to the Nodal Department with an Administrative and Technical support as may be prescribed, to perform the functions and discharge the duties assigned to it and to assist the Nodal Agency.   | <b>Administrative and Technical Support</b>   |
| 11. | Department level Sub-Plan support unit,<br>The departments as identified by the State Council may establish a Sub-Plan Support Unit, as may be prescribed to manage the respective Scheduled Caste Sub-Plan and Tribal Sub-Plan.   | <b>Department Level Sub-Plan Support Unit</b> |
| 12. | Implementation of the Scheduled Castes sub-plan or Tribal sub-plan schemes in the districts.<br>(1) There shall be a District Monitoring Committee in each district, which shall be responsible for implementation of the Scheduled Caste Sub-Plan or Tribal Sub-Plan in the district consisting of the following members, namely;   | <b>District Monitoring Committee</b>          |
| (1) | MLA belonging to SC Community of the district or nearer district for SCSP and respectively MLA of the district belonging to Tribes or nearer district for TSP  | Chairman                                      |
| (2) | District Collector   | Member Secretary                              |
| (3) | District Development Officer   | Member  |
| (4) | The Deputy Director, Agriculture   | Member  |

- (5) Deputy Director, Backward Class welfare : Convener (SCSP)
- (6) Deputy Director Tribal welfare : Convener (TSP)
- (7) District Social Welfare Officer : Member
- (8) Executive Engineer, R&B State : Member
- (9) Executive Engineer, Panchayat : Member
- (10) All District level officers of respective departments for which allocation are made shall be Special Invitee : Member
- (11) Chairman, Social Justice Committee, District Panchayat : Member

(2) District Monitoring Committee shall appoint Five Eminent social activists working for Scheduled Castes or representatives of reputed NGOs working for Scheduled Castes in the District Monitoring Committee as the non-government members. One female is compulsorily be appointed among five members.

(3) MLA belonging to Scheduled Caste may be hold Chairmanship more than one district for District Monitoring Committee and respectively MLA belonging to Scheduled Tribe may hold Chairmanship more than one district for District Monitoring Committee for TSP

(4) A separate office and staff shall be provided for administrating District Monitoring Committee.

Effective  
Implementation and  
Monitoring

13. Institutional strengthening for effective implementation and Monitoring.  
The respective departments of the Government shall take such measures as may be necessary for institutional strengthening at State level and District level offices by providing necessary guidelines, staff and training to the staff in the manner prescribed, for effective implementation and monitoring.

### **Chapter – III**

#### **Planning, Resource Allocation for The Scheduled Caste Sub-Plan and Tribal Sub-Plan Funds and Schemes**

Earmarking of  
SCSP and TSP  
fund

14. State Government shall, in every financial year, earmark in such manner as may be prescribed, a portion of the total plan outlays of the State which shall be proportionate to the Scheduled Castes / Scheduled Tribes Population of the State, to be called as the Scheduled Castes Sub-Plan fund and Tribal Sub-Plan fund. In case of unspent amount out of allocation in a particular financial year, the same may be added to the next year allocation, but shall not be carried further beyond that year:

Provided that, the Fund to be earmarked shall be determined at least four months prior to the next financial year:

Provided further that, the Scheduled Castes Sub-Plan and Tribal Sub-Plan Fund outlay shall be revised according to the State Annual Plan final outlay:

Provided also that the Expenditure of the Scheduled Castes Sub-Plan and Tribal Sub-Plan Fund shall be accounted for in the manner hereafter specified in this Act.

- |     |  |   |
|-----|--|---|
| 15. | The Nodal Department shall, for every financial year, communicate, in the manner prescribed, to the other department, a tentative plan outlay out of Scheduled Caste Sub-Plan / Tribal Sub-Plan Fund as earmarked under Section 12 for preparation of respective department wise Scheduled Castes Sub-Plan / Tribal Sub-Plan.  | <b>Communication of plan outlay of SCSP and TSP to the Department</b> |
| 16. | The Sub-Plans of the departments shall include only such schemes that secure direct and quantifiable benefit to the Scheduled Caste or the Scheduled Tribes individuals or the Scheduled Caste / Scheduled Tribes households or the Scheduled Caste / Scheduled Tribes habitations or Tribal areas and that have the potential to bridge the gaps in the development, following the norms laid down in this Act and rules made thereunder:     | <b>Schemes under SCSP and TSP</b>                                     |
|     | <p>Provided that Schemes shall be consistent with the annual plan and priorities of the State Government as may be communicated by the Planning Department.</p>  |   |
| 17. | The department shall ensure coverage of the Scheduled Caste or Scheduled Tribes in ongoing general schemes consistent with their eligibility for the same.   | <b>Obligation to general schemes</b>                                  |
| 18. | On receipt of communication under Section 15, each department, shall after estimating the gaps in the development of the Scheduled Castes and Scheduled Tribes, prioritize the development needs of the Scheduled Castes and Scheduled Tribe through a consultative process, as may be prescribed, and shall formulate the Scheduled Castes Sub-Plan/Tribal Sub-Plan schemes, within the state plan priority as communicated under Section 15. | <b>Formulation and preparation of SCSP and TSP Sub-Plan</b>           |
| 19. | Each department, excluding the departments separately notified under this Act, shall submit, each year to the Nodal Department, the Sub-Plans comprising of the Scheduled Castes Sub-Plan or Tribal Sub-Plan Schemes proposed to be included in the annual plans, for appraisal by the Nodal Agency concerned, within such time frame and in such format, as may be prescribed.  | <b>Submission of Sub-Plans</b>  |



## Chapter – IV

### Appraisal, Allocation of the Scheduled Caste Sub-Plan / Tribal Sub-Plan Fund and Approval of the Sub-Plans

Appraisal of  
SCSP and TSP  
schemes

20. The Nodal Agency for the Scheduled Castes Sub-Plan or Tribal Sub Plan, shall take up appraisal of the Scheduled Castes Sub-Plan and Tribal Sub-Plan schemes respectively submitted by the departments, to ensure conformity with the provisions of this Act.

## Chapter – V

### Budget Provision, Distribution and Strengthening of Implementation Machinery

Budget allocation

21. The annual Scheduled Caste Sub-Plan or Scheduled Tribes Sub-Plan approved by the State Council shall be included in the Demands for Grants of the departments under the relevant head of account for the Scheduled Caste Sub-Plan or Scheduled Tribes Sub-Plan.

SCSP and TSP cell

22. There shall be an exclusive cell in the Finance Department for performing the functions relating to Budget implementation and allocation according to the provisions of this Act within the overall discipline of the ways and means position as determined by the Finance Department.

Budget release orders

23. Budget release orders shall be issued to each department, for the amount provided in the Budget Estimates for the Scheduled Caste Sub-Plan or Scheduled Tribes Sub-Plan immediately after passing of the Budget by the State Legislature in accordance with the provisions of this Act.

## Chapter – VI

### Transparency and Accountability in the Implementation of Scheduled Castes Sub-Plan or Tribal Sub-Plan.

Accountability and  
transparency

24. The state Ministries/Departments / Agencies and the District Departments/Agencies / Committees shall ensure transparency and accountability at all levels in the implementation of SCSP for Scheduled Castes Schemes and TSP for Tribal Sub-Plan by maintaining the following;
- (1) Transparency in utilisation of financial resources and expenditure
  - (2) Maintain scheme wise, State wise, district wise, village wise and beneficiary wise details.
  - (3) Present 'Outcome Budget' of SCSP for Scheduled Castes Schemes and TSP for Tribal Sub-Plan annually to the State Legislative Assembly.

25. Failure to implement the provisions of this Act or any lapse, unless and until the contrary is proved, shall be presumed to be an offence punishable under section 4 of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In addition, such officer shall also be liable for disciplinary action under the relevant Conduct Rules. Any loss or damage caused to the State, whether at the Central level or at the State level, or to the Scheduled Castes or Scheduled Tribes, shall be recoverable from the officer who is found guilty. **Failure of implementation**
26. The Nodal Agency shall place before the State Legislature, Annual Report on outcome of implementation of the Scheduled Castes Sub-Plan or Tribal Sub-Plan containing, department wise achievements and the un-utilized funds during the financial year under report. **Annual Report**
27. (1) The State Government make rules for carrying out the purposes of this Act. **Power to make rules**
- (2) All rules made under this Act shall be laid, as soon as may be after it is made, before the house of the State Legislature, while it is in session, for a period of not less than thirty days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the State Legislature makes any modification in any of such rules or resolves that any rules should not be made, such rules thereafter shall have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rules.
28. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions appear to it to be necessary or expedient to remove the difficulty: **Power to remove difficulties**
- Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.
- (2) Every order made under this section shall be laid, as soon as it is so made, before the house of the State Legislature.



## STATEMENT OF OBJECTS AND REASONS

Poignantly aware that over the centuries of history the Scheduled Castes have been the victims of the Indian Caste System-with-“Untouchability” and subjected to denial of access to livelihood, education and other kinds of resources, and Scheduled Tribes have been relegated to remote areas under vulnerable conditions with their land and resources, severely depleted by intrusions into their traditional areas, resulting in systemic deprivation, discrimination, and disadvantage for Scheduled Castes and Scheduled Tribes, with additional deprivations and disadvantages affecting the Specially Vulnerable Groups among Scheduled Castes and the Particularly vulnerable Tribal Groups, and that women, children and other vulnerable groups such as those subjected to manual scavenging and persons with disabilities among Scheduled Castes and Scheduled Tribes have experienced further marginalization

Aware of the fact that the Constitution of India 1950 has in its Preamble and in numerous Articles such as Article 46, 15(4), 15(5), 16(4), 16(4A), 16 (4B), 275(1) first proviso and 164(1) proviso, the Articles in Chapter XVI and other Articles and the Fifth and Sixth Schedules, mandated the State in all its limbs and through all its instrumentalities and agencies, to take all measures necessary for removing these deprivations and disadvantages, bring about social equality through various measures of social justice which includes educational, economic, social, and cultural justice, and establish a regime of all-round equality in the country;

In order to ensure the accelerated development of Scheduled Castes and Scheduled Tribes with emphasis on economic, educational and human development and emancipation, with the goal of promoting equity for Scheduled Castes and Scheduled Tribes and bridging the gaps between Scheduled Castes and Scheduled Tribes, on the one hand, and the Socially Advanced Castes, on the other; of which the basic feature is to set apart, as the plan outlay respectively of the Scheduled Caste Sub-plan and Scheduled Tribe Sub-plan of the Government of Gujarat, not less than the proportion of the Scheduled Caste population in the state. And to put in place an institutional mechanism for preparation, implementation and monitoring of sub plan and for matters connected therewith or incidental thereto;

Hence this Bill.

**Dated the 7<sup>th</sup> March, 2018**  
**Gandhinagar.**

**NAUSHADJI SOLANKI**  
**M.L.A.**

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## FINANCIAL MEMORANDUM

Clauses 3, 12 and 22 provides for formulation of State Council, District Monitoring Committee and SCSP and TSP Cell for carrying out various purposes of this Act. These provisions if invoked may incurred expenditure from the Consolidated Fund of State.

An estimate of recurring or non-recurring expenditure is not possible.

**Dated the 7<sup>th</sup> March, 2018  
Gandhinagar.**

**NAUSHADJI SOLANKI  
M.L.A.**

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following Respect:-

- Clause 2: Clause (b) empowers the State Government to make rules regarding the manner of comparing the difference in the development indicators of the Scheduled Caste Scheduled Tribes with reference to State averages.
- Clause 3: Sub-clause (5) empowers the State Government to make rules regarding the allowances and fee payable to the nominated members Of the State Council.
- Clause 4: Sub-clause (4) empowers the State Government to make rules regarding such other functions of the State Council.
- Clause 6: Sub-clause (6) empowers the State Government to make rules regarding transparency in expenditure schemes wise, district wise, village wise and beneficiary wise and setting up a web-portal for tracking the progress of implementation expenditure, output- and outcome indicators with reference to Scheduled Caste Tribal Sub-Plan.
- Clause 10 : Empowers the State Government to make rules regarding the technical and other staff with administrative and technical support unit to be provided to the Nodal Department

- Clause 11: Empowers the State Government to make rules regarding the establishment Of a Sub-plan support unit by departments identified by State Council.
- Clause 13: Empowers the State Government to make rules regarding the guidelines, staff and transparency to the staff of departments.
- Clause 14: Empowers the State Government to make rules regarding earmarking a portion of total plan outlays of State in every financial year in proportion to population of the Scheduled Caste/ Schedule Tribes and the State Population.
- Clause 15: Empowers the State Government regarding the manner of communicating by the Nodal Department to other departments the Active Plan outlay of Scheduled Caste/ Scheduled Tribes, Sub- Plan/Tribal Sub- Plan.
- Clause 19: Empowers the State Government to make rules regarding the time frame and the form of submitting Sub-plans comprising of Scheduled Caste Sub-plan or Scheduled Tribes Sub-plan proposed to be included in the annual plan to the Nodal Agency.
- Clause 24: Sub-clause (2) empowers the State Government to make rules regarding the manner of hosting the documents by the departments in public domain.
- Clause 27: Empowers the State Government to make rules for the carrying out all or any purposes of the Act.

The delegation of Legislative powers as aforesaid is necessary and of normal character.

**Dated the 7<sup>th</sup> March, 2018**  
**Gandhinagar.**

**Gandhinagar,**  
**Dated the 22<sup>nd</sup> March, 2018.**

**NAUSHADJI SOLANKI**  
**M.L.A.**

**D.M.PATEL**  
**Secretary,**  
**Gujarat Legislative Assembly**

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# The Gujarat Government Gazette

## EXTRAORDINARY

### PUBLISHED BY AUTHORITY

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THURSDAY, MARCH 22, 2018/CAITRA 1, 1940

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

#### PART V

#### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill which was introduced on 22<sup>nd</sup> March, 2018 by Shri Imran Khedawala, M.L.A. is published under rule 127-A of the Gujarat Legislature Assembly Rules for general information.

#### GUJARAT BILL NO.33 OF 2018.

#### THE GUJARAT WELFARE AND PROTECTION OF MINORITIES BILL, 2018.

#### A BILL

*to provide for the welfare and protection of life and properties of minority communities in the State of Gujarat and for matters connected therewith.*

It is hereby enacted in the Fifty-ninth year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Welfare and Protection of Minorities Act, 2018 Short title, extent and commencement
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.
2. (a) In this Act, unless the context otherwise requires. "Family Member" means and includes a husband, wife, son, daughter, mother, father, brother, sister or any other person with whom the deceased was residing. Definitions.

(b) "Minority Community" means a group of persons belonging to a community based on religion other than Hindus.

**Special care to protect minority.**

3. The State Government shall take special care to protect the life and properties of minority community from any attack or assault thereon and for this purpose the State Government may arrange for special squads of police.

**Responsibility for communal disturbance.**

4. (1) It shall be the paramount duty of the District Magistrate and Commissioner of Police or District Superintendent of Police to maintain communal harmony and to keep a careful watch and vigilance over the communal atmosphere in his district.

(2) The District Magistrate and Commissioner of Police or District Superintendent of Police shall be responsible for any communal disturbance in his District and shall be liable for summary suspension during the pendency of the investigation about his vigilance.

**Offence and penalties therefor.**

5. (1) Any attack or assault on the life or properties of the minority community shall be a cognizable offence under this Act and shall be tried in the 'Court of the Magistrate not inferior to the Judicial Magistrate of First Class and any person directly or indirectly involved therein shall, on conviction, be punished with imprisonment for the term of not less than seven years.

(2) Any person or any institution belonging to the minority community may lodge a complaint for any offence under this Act.

**Compensation.**

6. The State Government shall pay as a compensation in cash and within three months of the incident, if it is a loss of life Rs 5 Lacs each, if it is a physical injury Rs 50,000 each and if it is a loss or damage of properties the actual market value of the properties lost or damaged during the communal disturbance or violence.

**Separate Department.**

7. There shall be set up a separate and full-fledged Department at the Sachivalaya level at Gandhinagar entrusted for looking after and implementing the ways and means and the schemes of educational, cultural, social economic and all-round development and welfare of minority communities and the Urdu and other languages of the minority communities.

**Power to make Rules.**

8. (1) The State Government may, make rules for carrying out the purpose of this Act.

(2) All rules under this Act, shall be published in the Official Gazette and unless they all are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) All rules made under this Act shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the Legislature or to such modifications as the Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon taken effect.

**STATEMENT OF OBJECTS AND REASONS.**

The lives and properties of persons belonging to the Minority communities deserve to be protected meticulously. India is a secular State and hence all communities are equal. In communal disturbances and riots the minority communities have generally to suffer. The District authorities in most of the cases are aware of the communal tension prevailing. They however, do not take prompt preventive measures, which result into heavy loss of lives and properties of the minorities. The summary action is, therefore, proposed against the District Magistrate and Commissioner of Police or District Superintendent of Police who is responsible for maintaining law and order situation in the District.

The Government of a secular State should also look into the developmental and welfare activities of minority communities who are living economically, socially and educationally backward life since the Independence.

During the communal disturbances or violence many persons of minority communities become victims either in the form of physical injuries or loss or damage of properties and have to live a pitiable life thereafter. It is therefore proposed to provide for payment of compensation in cash and immediately within three months of the incident in which a person of minority communities has to lose life or either suffer physical injuries or loss or damage of properties either in communal disturbances, anti-minority violence or police firing. This provision will help to provide some compensation or relief to the persons affected and it will also discourage the forces behind the communal disturbances or violence in the State. It is also proposed to set up a separate Department at Sachivalaya level for the welfare activities of the minority communities in the State on the line of the Scheduled Castes and Scheduled Tribes in the Government Department of Social Justice and Empowerment Department. The States of U.P. and West Bengal and some other States in India have also set up such Departments.

For the all-round development of Gujarat and for the upliftment and welfare of the people of Gujarat, it is essential to maintain law and order and peace in the State of Mahatma Gandhi, Father of the Nation and great saint and propounder of non-violence.

Hence this Bill.

**Gandhinagar,**  
**Dated the 8<sup>th</sup> March, 2018.**

**IMRAN KHEDAWALA**  
**M.L.A.**

**MEMORANDUM REGARDING DELEGATED LEGISLATION.**

Clause 8 of the Bill empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of Legislative powers is essential and is of normal character.

**Gandhinagar,**  
**Dated the 8<sup>th</sup> March, 2018.**

**IMRAN KHEDAWALA**  
**M.L.A.**

**FINANCIAL MEMORANDUM**

For the implementation of the provisions of the Bill and for its efficient functioning, a financial provision for a recurring expenditure of Rs 1.50 lacs is estimated from the Consolidated Fund of the State.

**Gandhinagar,**  
**Dated the 8<sup>th</sup> March, 2018.**

**IMRAN KHEDAWALA**  
**M.L.A.**

Gandhinagar.  
Dated the 22<sup>nd</sup> March, 2018.

**D.M.PATEL**  
Secretary,  
Gujarat Legislative Assembly

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# The Gujarat Government Gazette

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

The following bill which was Introduced on 22<sup>nd</sup> March, 2018 by Shri Imran Khedawala, M.L.A., is published under rule 127-A of the Gujarat Legislature Assembly Rules for general information

### Bill to be introduced not to be published before introduction

### GUJARAT BILL NO. 34 OF 2018.

### THE GUJARAT PROHIBITION OF TRANSFER OF IMMOVABLE PROPERTY AND PROVISION FOR PROTECTION OF TENANTS FROM EVICTION FROM PREMISES IN DISTURBED AREAS (REPEAL) BILL, 2018.

### A BILL

*to repeal the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 in its application to the State of Gujarat.*

It is hereby enacted in the Fifty-ninth year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas (Repeal) Act, 2018

Short title and  
commencement

(2) It shall come into force at once.

2. The Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 is hereby repealed.

Repeal of Guj.  
12 of 1991



**STATEMENT OF OBJECTS AND REASONS.**

The Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991 has been enacted by the State Legislature with a view to declare certain transfer of Immovable Properties in the disturbed Areas of the State to be void and to prohibit temporarily the transfers of Immovable Properties in such areas. Originally, the aforesaid provision had been made by the Act of 1986 as the riots had then occurred in certain areas of the State during the period of March, 1985 with a result that mob belonging to one community resorted to riot and violence and thereby had rendered many residential houses and shop belonging to another community unfit for human habitation. Consequently many immovable properties had been transferred under the fear of insecurity in the disturbed areas at a low price. The 1986 Act was therefore, enacted with a view to making such transfers of immovable properties as void and prohibiting such transfers temporarily. Looking to the statement of objects and reasons appended to the 1986 Bill and the debates in the House on the Bill on 13th August, 1986, it is quite clear that this legislation was specifically enacted in 1986 in view of the large scale transfers of immovable properties under the fear of insecurity which was caused in the general public in the disturbed areas during that specific period of riots, disturbances and mob violence. The 1991 Act has repealed the 1986 Act and has enacted a permanent legislation to give power to the State Government to declare disturbed areas and prohibit transfer as and when such occasion arises.

The permanent legislation on the subject has created many hardships to the public at large. Under Section 3 of the aforesaid Act each and every person has to approach the collector office for obtaining previous sanction of the Collector for transfer of property and if the Collector after holding an inquiry for a longer time rejects the application, the person concerned has to file an appeal before the State Government. This created much hardships. Wastage of time and money, Due to this legislation, even genuine transfers are also very much adversely affected. This has also become an instrument for wide-spread corruption and malpractices in the Administration. Each and every transfer has to pass through clumsy and lengthy process. Due to the provisions of the Act, so many cases of transfers are lying at the Collector Office or at the Sachivalaya for a very long-period and thereby the Government also loses a sizable revenue due to imposition of such restriction. Moreover, section 3 of the Act delegates the power of declaring the disturbed areas to the State Government. This delegation is not proper as the State Government can thereby declare the disturbed areas at any time by issuing just a notification and put the public at large of the area in a very much hardship even if there is no riot, disturbances or mob violence. There have been instances of the State Government publishing such a notification and declaring disturbed areas even if the whole State has remained very much peaceful.

To avoid the mis-use by the authorities, the hardships and inconvenience to the Public at large and the wide-spread corruption and malpractices in the administration, the aforesaid Act is proposed to be repealed with immediate effect.

Hence this Bill.

**Gandhinagar,  
Dated the 8<sup>th</sup> March, 2018.**

**IMRAN KHEDAWALA  
M.L.A.**

**Gandhinagar,  
Dated the 22<sup>nd</sup> March, 2018.**

**D.M.PATEL  
Secretary,  
Gujarat Legislative Assembly**

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Government Central Press, Gandhinagar.



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### PART V

#### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

#### THE GUJARAT APPROPRIATION BILL, 2018.

#### GUJARAT BILL NO. 35 OF 2018.

#### A BILL

*to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2019.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2018.

**Short title.**

**Withdrawal of  
₹18,36,66,37,71,000/-  
from and out of the  
Consolidated Fund  
of the State of  
Gujarat for the  
financial year  
2018-19.**

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of one lakh eighty-three thousand six hundred sixty-six croresthirty-seven lakh seventy-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2018-19 in respect of the services and purposes specified in column 2 of the Schedule.

**Appropriation.**

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

**SCHEDULE**

(See Sections 2 and 3)

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			₹	₹	₹
1	2	3	4	5	6
1	Agriculture, Farmers Welfare and Co-operation Department	Revenue	203573000	0.00	203573000
2	Agriculture	Revenue	34774126000	0	34774126000
		Capital	1000000000	0	1000000000
3	Minor Irrigation, Soil Conservation and Area Development.	Revenue	1569555000	0	1569555000
		Capital	921453000	0	921453000
4	Animal Husbandry	Revenue	7381140000	0	7381140000
5	Co-operation	Revenue	7490694000	0	7490694000
		Capital	618702000	0	618702000
6	Fisheries	Revenue	3035398000	0	3035398000
		Capital	2912500000	0	2912500000
7	Other Expenditure pertaining to Agriculture, Farmers Welfare and Co-operation Department.	Capital	2600000	0	2600000
8	Education Department	Revenue	111762000	0	111762000
9	Education	Revenue	241733982000	2440010000	244173992000
		Capital	7984321000	0	7984321000
10	Other expenditure pertaining to Education Department	Revenue	20854000	0	20854000
		Capital	406001000	0	406001000
11	Energy and Petro-Chemicals Department	Revenue	49106000	0	49106000
12	Tax collection charges (Energy and Petro- Chemicals Department)	Revenue	239706000	0	239706000
13	Power Projects	Revenue	54906933000	0	54906933000
		Capital	25613922000	0	25613922000

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			₹	₹	₹
1	2	3	4	5	6
14	Other expenditure pertaining To Energy and Petro-Chemicals Department	Revenue	9231000	0	9231000
		Capital	1602000	0	1602000
15	Finance Department	Revenue	208114000	0	208114000
16	Tax Collection Charges (Finance Department)	Revenue	3375159000	0	3375159000
17	Treasury and Accounts Administration	Revenue	1948921000	0	1948921000
18	Pension and other Retirement Benefits	Revenue	113273005000	80000000	113353005000
19	Other expenditure pertaining to Finance Department	Revenue	82619897000	0	82619897000
		Capital	3500000	1000	3501000
20	Repayment of Debt pertaining to Finance Department and its Servicing	Revenue	0	192371755000	192371755000
		Capital	0	154342701000	154342701000
21	Food, Civil Supplies and Consumer Affairs Department.	Revenue	495989000	0	495989000
22	Civil Supplies	Revenue	7200674000	0	7200674000
23	Food	Revenue	590741000	0	590741000
		Capital	1074477000	0	1074477000
24	Other Expenditure Pertaining to Food, Civil Supplies and Consumer Affairs Department	Capital	2000	0	2000
25	Forests and Environment Department	Revenue	133960000	0	133960000
26	Forests	Revenue	4569814000	2600000	4572414000
		Capital	4575122000	0	4575122000

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			₹	₹	₹
1	2	3	4	5	6
27	Environment	Revenue	204850000	0	204850000
28	Other expenditure pertaining to Forest and Environment Department.	Capital	2200000	0	2200000
29	Governor	Revenue	0	78828000	78828000
30	Council of Ministers	Revenue	57057000	0	57057000
31	Elections	Revenue	1472885000	0	1472885000
		Capital	1000000000	0	1000000000
32	Public Service Commission	Revenue	149595000	209828000	359423000
33	General Administration Department	Revenue	1228129000	0	1228129000
34	Economic Advice and Statistics	Revenue	340559000	0	340559000
35	Other Expenditure pertaining to General Administration Department	Revenue	282333000	4108000	286441000
		Capital	10880160000	0	10880160000
36	State Legislature	Revenue	358892000	4760000	363652000
37	Loans and Advances to Government Servants in Gujarat Legislature Secretariat	Capital	2900000	0	2900000
38	Health and Family Welfare Department	Revenue	130521000	0	130521000
39	Medical and Public Health	Revenue	50403904000	0	50403904000
		Capital	17550359000	0	17550359000
40	Family Welfare	Revenue	13541743000	0	13541743000
		Capital	90000000	0	90000000
41	Other expenditure pertaining to Health and Family Welfare Department	Revenue	0	2764000	2764000
		Capital	4500000	0	4500000

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			₹	₹	₹
1	2	3	4	5	6
42	Home Department	Revenue	178863000	0	178863000
43	Police	Revenue	42212407000	0	42212407000
44	Jails	Revenue	1543089000	0	1543089000
45	State Excise	Revenue	187188000	0	187188000
46	Other Expenditure pertaining to Home Department.	Revenue	3144229000	3501000	3147730000
		Capital	6111123000	0	6111123000
47	Industries and Mines Department.	Revenue	171546000	0	171546000
48	Stationery and Printing	Revenue	696630000	0	696630000
		Capital	88580000	0	88580000
49	Industries	Revenue	29663810000	0	29663810000
		Capital	1148040000	0	1148040000
50	Mines and Minerals	Revenue	1907163000	0	1907163000
		Capital	15500000	0	15500000
1	2	3	4	5	6
51	Tourism	Revenue	819600000	0	819600000
		Capital	4840000000	0	4840000000
52	Other expenditure pertaining to Industries and Mines Department	Revenue	825680000	0	825680000
		Capital	1267000000	0	1267000000
53	Information and Broadcasting Department	Revenue	18238000	0	18238000
54	Information and Publicity	Revenue	1266478000	0	1266478000
55	Other expenditure pertaining to Information and Broadcasting Department	Revenue	157540000	0	157540000
		Capital	3000000	0	3000000
56	Labour and Employment Department	Revenue	175542000	0	175542000
57	Labour and Employment	Revenue	12120549000	0	12120549000
		Capital	310000000	0	310000000

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			₹	₹	₹
1	2	3	4	5	6
58	Other Expenditure Pertaining to Labour and Employment Department	Capital	940000	0	940000
59	Legal Department	Revenue	144505000	0	144505000
60	Administration of Justice	Revenue	9446307000	2145313000	11591620000
61	Other Expenditure pertaining to Legal Department	Revenue	850437000	0	850437000
		Capital	17700000	0	17700000
62	Legislative and Parliamentary Affairs Department	Revenue	74484000	0	74484000
63	Other Expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	2000	0	2000
64	Narmada, Water Resources, Water Supply and Kalpsar Department	Revenue	176017000	0	176017000
65	Narmada Development Scheme	Capital	4950000000	0	4950000000
66	Irrigation and Soil Conservation	Revenue	11475733000	0	11475733000
		Capital	38372335000	400000000	38772335000
67	Water Supply	Revenue	1888800000	0	1888800000
		Capital	20079748000	0	20079748000
68	Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department.	Revenue		1100000000	1100000000
		Capital	3500000		3500000



Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			₹	₹	₹
1	2	3	4	5	6
69	Panchayats, Rural Housing and Rural Development Department	Revenue	99967000	0	99967000
70	Community Development	Revenue	22822839000	0	22822839000
71	Rural Housing and Rural Development	Revenue	18712580000	3808400000	22520980000
72	Compensation and Assignments	Revenue	1365019000	0	1365019000
73	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	7030720000	0	7030720000
		Capital	32500000	0	32500000
74	Transport	Revenue	5018380000	0	5018380000
		Capital	6594400000	0	6594400000
75	Other expenditure pertaining to Ports and Transport Department	Revenue	582970000	0	582970000
		Capital	200102000	0	200102000
76	Revenue Department	Revenue	442769000	0	442769000
77	Tax collection charges(Revenue Department)	Revenue	3051418000	100000	3051518000
78	District Administration	Revenue	5479309000	0	5479309000
79	Relief on account Natural Calamities	Revenue	16998797000	0	16998797000
		Capital	802540000	0	802540000
80	Dangs District	Revenue	527847000	0	527847000
81	Compensation and Assignment	Revenue	2248879000	700000	2249579000
		Capital	300000	200000	500000
82	Other expenditure pertaining to Revenue Department	Revenue	24963000	0	24963000
		Capital	2610000	0	2610000

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			₹	₹	₹
1	2	3	4	5	6
83	Roads and Building Department	Revenue	210860000	0	210860000
84	Non-Residential Buildings	Revenue	6182702000	9000000	6191702000
		Capital	13988570000	0	13988570000
85	Residential Buildings	Revenue	1929713000	0	1929713000
		Capital	2492060000	0	2492060000
86	Roads and Bridges	Revenue	33515313000	41000000	33556313000
		Capital	28515481000	25000000	28540481000
87	Gujarat Capital Construction Scheme	Revenue	159609000	0	159609000
		Capital	2544100000	900000	2545000000
88	Other expenditures pertaining to Roads and Buildings Department	Revenue	277758000	180000000	457758000
		Capital	52250000	0	52250000
89	Science and Technology Department	Revenue	2861610000	0	2861610000
90	Other Expenditure pertaining to Science and Technology Department	Revenue	2336887000	0	2336887000
		Capital	11503000	0	11503000
91	Social Justice and Empowerment Department	Revenue	79545000	0	79545000
92	Social security and welfare	Revenue	16857638000	22300000	16879938000
		Capital	6221140000	0	6221140000
93	Welfare of Scheduled Tribes	Revenue	4638831000	0	4638831000
		Capital	234229000	0	234229000
94	Other Expenditure pertaining to Social Justice and Empowerment Department	Capital	1600000	0	1600000
95	Scheduled Castes Sub Plan	Revenue	38925333000	0	38925333000
		Capital	9935138000	0	9935138000

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			₹	₹	₹
1	2	3	4	5	6
96	Tribal Area Sub-Plan	Revenue	82928461000	60000000	82988461000
		Capital	44902138000	15000000	44917138000
97	Sports, Youth and Cultural Activities Department	Revenue	71577000	0	71577000
98	Youth Services and Cultural Activities	Revenue	4026453000	0	4026453000
		Capital	711601000	0	711601000
99	Other expenditure pertaining to Sports, Youth and Cultural Activities Department	Capital	606000	0	606000
100	Urban Development and Urban Housing Department	Revenue	58461000	0	58461000
101	Urban Housing	Revenue	10193080000	1795886000	11988966000
102	Urban Development	Revenue	88334167000	0	88334167000
		Capital	6220000000	0	6220000000
103	Compensation, Assignment and Tax Collection Charges	Revenue	1582000000	300000000	1882000000
104	Other expenditure Pertaining to Urban Development and Urban Housing Department	Revenue	3594000	0	3594000
		Capital	600000	0	600000
105	Women and Child Development Department	Revenue	40500000	0	40500000

Demand No.Vote/ Appropriation	Services and purposes	Revenue /Capital	Sums not exceeding		
			Voted	Charged on the consolidated Fund	Total
			₹	₹	₹
1	2	3	4	5	6
106	Other expenditure pertaining to Women and Child Development Department	Revenue	22311203000	9000000	22320203000
		Capital	1134400000	0	1134400000
107	Climate Change Department	Revenue	10070000	0	10070000
108	Other Expenditure pertaining to Climate Change Department	Revenue	1011000000	0	1011000000
	<b>Total Revenue</b>	<b>Revenue</b>	<b>1156210459000</b>	<b>204669853000</b>	<b>1360880312000</b>
	<b>Total Capital</b>	<b>Capital</b>	<b>320999657000</b>	<b>154783802000</b>	<b>475783459000</b>
	<b>Grand Total</b>		<b>1477210116000</b>	<b>359453655000</b>	<b>1836663771000</b>

### STATEMENT OF OBJECTS AND REASONS

Article 204(1) of the Constitution of India requires that as soon as may be after the grants have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State, of all moneys required to meet-

- (a) the grants so made by the Assembly, and
- (b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the Statement previously laid before the Legislative Assembly.

The Bill accordingly specifies the gross amount required to meet grants made by the Assembly and the expenditure charged on the Consolidated Fund of the State for the financial year ending on the 31st March, 2019.

The amounts are shown below: - ☐

(a) Revenue Expenditure **1360880312000**

(b) Capital Expenditure **475783459000**

**Total :-**

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**1836663771000**

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Dated the 23<sup>rd</sup> March, 2018.

**NITIN PATEL.**

By order and in the name of the Governor of Gujarat,

**K.M. Lala,**

Gandhinagar,

Dated the 23<sup>rd</sup> March, 2018.

Secretary to the Government of Gujarat,

Legislative and Parliamentary  
Affairs Department.

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# The Gujarat Government Gazette

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT PREVENTION OF BEGGING (AMENDMENT) BILL, 2018.

#### GUJARAT BILL NO.36 OF 2018.

#### A BILL

*further to amend the Gujarat Prevention of Begging Act, 1959.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Prevention of Begging (Amendment) Act, 2018.

Short title and  
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of  
section 9 of Bom.  
X of 1960.

2. In the Gujarat Prevention of Begging Act, 1959(hereinafter referred to as "the principal Act"), in section 9, in sub-section (2), in the proviso, the words "a contagious leper or" shall be deleted.

Bom. X  
of 1960.

Amendment of  
section 26 of  
Bom. X of 1960.

3. In the principal Act, in section 26,-  
(1) in sub-section (1),-  
(a) the words "or a leper" occurring at two places shall be deleted;  
(b) the words "or leper asylum" shall be deleted;  
(c) for the words "mental hospital", the words "mental health establishment" shall be substituted;  
(2) in sub-section (2), the words "or is cured of leprosy" shall be deleted;  
(3) for sub-section (3), the following sub-section shall be substituted, namely:-

“(3) The provisions of the Mental Healthcare Act, 2017 shall apply to every beggar confined in a mental health establishment under sub-section (1) of this section after the expiration of the period for which he was ordered to be detained; and the time during which a beggar is confined in a mental health establishment under that sub-section shall be reckoned as a part of the period for which he may have been ordered by the Court to be detained:

10 of 2017.

Provided that where the removal of a beggar due to unsoundness of mind is immediately necessary, it shall be open to the authorities of the Certified Institution in which the beggar is detained to apply to the court having jurisdiction under the Mental Healthcare Act, 2017 for an immediate order of committal to a mental health establishment until such time as the orders of the State Government can be obtained in the matter.”.

10 of 2017.

- (4) in the marginal note, the words "leprosy patients and" shall be deleted.

### STATEMENT OF OBJECTS AND REASONS

The Lepers Act, 1889 (III of 1898) in its application to the State of Gujarat was repealed by the Lepers (Gujarat Repeal) Act, 1990 (Guj. 4 of 1990). Section 3 of the said Act *inter alia* provides that any person detained in any leper asylum in any part of the State of Gujarat under the repealed Act shall stand discharged, and any restriction imposed on him by or under the Lepers Act, 1898, on his movement to or from any local area or from following any trade or calling shall also stand annulled, accepting the recommendation of the Dr. M.S. Swaminathan, the Chairman of the working group on eradication leprosy set up by the Government of India.

Since the disease of leprosy is no more incurable and infectious disease and fully curable with the administration of Multi-Drug-Theory (MDT), thus the first dose of which renders the disease non-infectious. The MDT kills germs and stops the spread of leprosy after the dose and patient on MDT do not spread leprosy. There is no medical reason to segregate persons who have been administered the first dose. Moreover, leprosy patients do not need to be treated in special clinics or hospitals and can be treated in health care centers together with the people suffering other disease nor the persons affected by leprosy be isolated or segregated from their family or community in view of medical evidence on the etymology, non-infectiousness and curability of the leprosy.

The Law commission of India in its 256<sup>th</sup> report on Eliminating Discrimination against Persons Affected by Leprosy (2015) also recognized the effectiveness of MDT and recommended that repeal or amendment of the provisions of laws of the Central, States or local bodies discriminate the person affected by leprosy.

In the aforesaid background, the existing provisions of sections 9 and 26 of the Gujarat Prevention of Begging Act, 1959 (Bom.X of 1960) in so far as they relate to the leper and leper asylum are obsolete and no more required to be on statute as they unfairly discriminate against persons affected by leprosy as also they serve no utility and have been obsolete. The impugned provisions institutionalize and perpetuate the humiliation and undignified



treatment of persons affected by leprosy and thereby violate their fundamental right of equal treatment guaranteed under articles 14, 19 and a right to a life and dignity under article 21 of the Constitution of India. They no longer serve the purpose for which they were enacted, hence, are required to be amended.

This Bill seeks to amend sections 9 and 26 of said Act of 1960 to achieve the aforesaid object.

**ISHWAR PARMAR,**

### **MEMORANDUM REGARDING DELEGATED LEGISLATION**

The Bill provides for delegation of legislative power in the following respect:--

*Clause 1.*— Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 10<sup>th</sup> September, 2018.

**ISHWAR PARMAR.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,  
Dated the 10<sup>th</sup> September, 2018.

**K. M. Lala,**  
Secretary to the Government of Gujarat,  
Legislative and Parliamentary  
Affairs Department.

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT OWNERSHIP FLATS (AMENDMENT) BILL, 2018

GUJARAT BILL NO. 37 OF 2018.

#### *A BILL*

*further to amend the Gujarat Ownership Flats Act, 1973.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

This Act may be called the Gujarat Ownership Flats (Amendment) Act, **Short title.** 2018.

Amendment of  
section 26 of  
Guj.13 of 1973.

2. In the Gujarat Ownership Flats Act, 1973 (hereinafter referred to as the “principal Act”), in section 26, in sub-section (1), in clause (i), for the words “percentage of votes”, the words “percentage of not less than 75 per cent. of votes” shall be substituted.

Guj. 13  
of 1973.

Amendment  
of section 37  
of Guj. 13 of  
1973.

3. In the principal Act, in section 37, for the words “the association of apartment owners”, the words “the association of apartment owners by not less than 75 per cent. of such owners” shall be substituted.

Insertion of  
new PART  
in Guj. 13 of  
1973.

4. In the principal Act, after PART II, the following PART shall be inserted, namely:-

### “PART IIA

### PROVISIONS OF RE-DEVELOPMENT OF FLATS AND APPARTMENTS

Re-development  
of flats and  
apartments.

**41A.** Notwithstanding anything contained in this Act, any work in relation to the re-development of a building can be carried out on such terms and conditions as may be prescribed, after obtaining the consent of not less than 75 per cent. of the flat owners of such building:

Provided that, in respect of such building,-

- (i) a period of twenty- five years must have been completed, from the date of issuance of permission for development by the concerned Authority; or
- (ii) the concerned Authority has declared that such building is in ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof.

**Explanation:-** For the purpose of this section, the expression “re-development” shall have the meaning as assigned to it in relevant Development Control Regulations.”.

**STATEMENT OF OBJECTS AND REASONS**

The Gujarat Ownership Flats Act, 1973 has been enacted to provide for regulating promotion of, and the sale, management and transfer of, flats on ownership basis and to provide for the ownership of an individual apartment and to make such apartment heritable and transferable.

2. While implementing the provisions of the said Act, it has been noticed that certain buildings covered by the said Act, though require re-construction or re-development, it is not possible to undertake such re-construction or re-development as the consent of all the members of the residents of the said flat or the apartments building, as the case may be, is required. It has also been noticed that if such buildings are not re-constructed or re-developed in time, there is a likelihood of risk of life to the residents thereof. With a view to overcoming such problems and difficulties, it is considered necessary to amend the said Act suitably.

3. The salient features of the proposed amendments are as under:

(a) to provide for re-construction or re-development of the dilapidated buildings after obtaining the consent of not less than 75 per cent. of the flat owners or the apartment owners, as the case may be;

(b) to make the consequential amendments in view of the proposed amendments.

This Bill seeks to amend the said Act of 1973 to achieve the aforesaid objects.

**NITIN PATEL,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill provides for delegation of legislative power in the following respects:--

**Clause 4.**—New section 41A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the terms and conditions subject to which any work in relation to the re-development of flats and apartments can be carried out.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 10<sup>th</sup> September, 2018.

**NITIN PATEL.**

By order and in the name of the Governor of Gujarat,

**K. M. Lala,**

Gandhinagar,  
Dated the 10<sup>th</sup> September, 2018.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary  
Affairs Department.

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## PART V

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(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT MUNICIPALITIES (AMENDMENT) BILL, 2018.

### GUJARAT BILL NO. 38 OF 2018.

### A BILL

*further to amend the Gujarat Municipalities Act, 1963.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Municipalities (Amendment) Act, 2018. **Short title and commencement.**
- (2) It shall be deemed to have come into force on the 13<sup>th</sup> April, 2018.

**Amendment  
of section 2  
of Guj. 34 of  
1964.**

**2.** In the Gujarat Municipalities Act, 1963 (hereinafter referred to as **Guj.34 of 1964.** “the principal Act”), in section 2,-

(1) in clause (3B), for the words “Director of Municipalities”, the word “Commissioner” shall be substituted;

(2) after clause (3B), the following clause shall be inserted, namely:-

“(3C) “Commissioner” means the Commissioner of Municipalities Administration appointed by the State Government under section 46A;”;

(3) clause (6) shall be deleted;

(4) after clause (23), the following clauses shall be inserted, namely:-

“(23A) “region” means a region as may be constituted under sub-section (2) of section 46C;

(23B) “Regional Commissioner” means Regional Commissioner of Municipalities appointed by the State Government under sub-section (1) of section 46C;”.

**Insertion of  
new sections  
46A, 46B and  
46C in Guj.  
34 of 1964.**

**3.** In the principal Act, in Chapter III, after sub-head (2), the following sub-head and sections shall be inserted, namely:-

*“(2A) Officers of Municipalities Administration*

**Appointment of  
Commissioner of  
Municipalities  
Administration and  
his powers and  
functions.**

**46A.** For carrying out the purposes of this Act, the State Government may, appoint an officer to be called the Commissioner of Municipalities Administration who shall, subject to control of the State Government and subject to such general or special orders as the State Government may from time to time make, exercise such powers and perform such functions and duties as are conferred or imposed upon him by or under the provisions of this Act.

**Appointment of  
Additional  
Commissioner  
and his powers  
and functions.**

**46B.** (1) The State Government may, appoint an officer to be called the Additional Commissioner of Municipalities Administration.

(2) The Additional Commissioner shall, subject to such general or special order, exercise such powers and perform such functions and duties as may be conferred or assigned to him by the Commissioner.

**Appointment of  
Regional  
Commissioner, his  
powers and  
functions, and  
constitution of  
Region.**

**46C.** (1) The State Government may, appoint an officer to be called the Regional Commissioner of Municipalities for each region constituted under sub-section (2).

(2) The State Government may, by notification in the *Official Gazette*, constitute as many regions as it deems fit, consisting of such municipalities in such districts as may be specified in the notification.

(3) The Regional Commissioner shall, subject to such general or special order, exercise such powers and perform such functions and duties as may be conferred or imposed upon him by or under this Act.”.

**4.** In the principal Act, in section 47, in sub-section (2), for the word “Director”, the word “Commissioner” shall be substituted. **Amendment of section 47 of Guj. 34 of 1964.**

**5.** In the principal Act, in section 48, in sub-section (4), in the Table, for the word “Director”, the word “Commissioner” shall be substituted. **Amendment of section 48 of Guj. 34 of 1964.**



**Amendment  
of section 49  
of Guj. 34 of  
1964.**

6. In the principal Act, in section 49,-
- (i) in sub-section (1), in clause (i), for the word “Collector,”, the words “Collector, Regional Commissioner” shall be substituted;
- (ii) in sub-section (2), for the word “Director”, occurring at two places, the word “Commissioner” shall be substituted.

**Amendment of  
section 50 of  
Guj. 34 of 1964.**

7. In the principal Act, in section 50, in sub-section (1), for the word “Director”, the word “Commissioner” shall be substituted.

**Amendment of  
section 51 of  
Guj. 34 of  
1964.**

8. In the principal Act, in section 51, in sub-section (2), in the proviso, for the word “who”, the words “and the Regional Commissioner. The Regional Commissioner” shall be substituted.

**Amendment of  
section 54 of  
Guj. 34 of 1964.**

9. In the principal Act, in section 54,-
- (i) in sub-section (3), for the word “Director”, the word “Commissioner” shall be substituted;
- (ii) in sub-section (8), for the word “Director”, the word “Commissioner” shall be substituted.

**Amendment of  
section 82 of  
Guj. 34 of 1964.**

10. In the principal Act, in section 82,-
- (i) in sub-section (1), in the proviso, in clause (b), for the word “Director”, occurring at two places, the word “Commissioner” shall be substituted;
- (ii) in sub-section (2), for the word “Director”, the word “Commissioner” shall be substituted;
- (iii) in sub-section (3), for the word “Director”, the word “Commissioner” shall be substituted.

**Amendment of  
section 99A of  
Guj. 34 of 1964.**

11. In the principal Act, in section 99A, in sub-section (2), in the second proviso, for the words “Director of Municipalities”, the word “Commissioner” shall be substituted.

- 12.** In the principal Act, in section 108, in sub-section (3), in the second proviso, for the word “Director”, the word “Commissioner” shall be substituted. **Amendment of section 108 of Guj. 34 of 1964.**
- 13.** In the principal Act, in section 120, for the word “Director”, the word “Commissioner” shall be substituted. **Amendment of section 120 of Guj. 34 of 1964.**
- 14.** In the principal Act, in section 131, for the word “Director”, the word “Commissioner” shall be substituted. **Amendment of section 131 of Guj. 34 of 1964.**
- 15.** In the principal Act, in section 134, in sub-section (4), for the word “Collector”, the words “Regional Commissioner” shall be substituted. **Amendment of section 134 of Guj. 34 of 1964.**
- 16.** In the principal Act, in section 210, for the word “Director”, the word “Commissioner” shall be substituted. **Amendment of section 210 of Guj. 34 of 1964.**
- 17.** In the principal Act, in section 219, in sub-section (2), in clause (c), for the word “Director”, the word “Commissioner” shall be substituted. **Amendment of section 219 of Guj. 34 of 1964.**
- 18.** In the principal Act, in section 220, in sub-section (1), for the word “Director”, occurring at two places, the word “Commissioner” shall be substituted. **Amendment of section 220 of Guj. 34 of 1964.**
- 19.** In the principal Act, in section 257,- **Amendment of section 257 of Guj. 34 of 1964.**
- (1) in sub-section (1), for the words “Director, Collector”, the words “the Commissioner, Regional Commissioner” shall be substituted;
- (2) in sub-section (2), for the word “Collector”, the words “Regional Commissioner” shall be substituted;
- (3) for sub-section (3), the following sub-section shall be substituted, namely:-
- “(3) The Commissioner may, delegate any of its powers exercisable by him under this section to any officer subordinate to him subject to such terms and conditions or restrictions, if any, as may be specified in such order.”.

**Amendment of  
section 258 of  
Guj. 34 of 1964.**

**20.** In the principal Act, in section 258,-

(1) in sub-section (1), for the word “Collector”, the words “Regional Commissioner” shall be substituted;

(2) in sub-section (2),-

(i) for the word “Collector”, the words “Regional Commissioner” shall be substituted;

(ii) for the words, “State Government” the word “Commissioner” shall be substituted;

(3) in sub-section (3),-

(i) for the word “Collector”, the words “Regional Commissioner” shall be substituted;

(ii) (a) after the word “municipality”, the words “or any aggrieved person” shall be inserted;

(b) in the proviso, after the word “municipality”, the words “or any aggrieved person” shall be inserted.

(iii) (a) for the words “State Government”, occurring at two places, the word “Commissioner” shall be substituted;

(b) in the proviso, for the words “State Government”, occurring at two places, the word “Commissioner” shall be substituted.

**Amendment of  
section 260 of  
Guj. 34 of 1964.**

**21.** In the principal Act, in section 260, for the word “Director”, occurring at two places, the word “Commissioner” shall be substituted.

**Amendment of  
section 262 of  
Guj. 34 of 1964.**

**22.** In the principal Act, in section 262, for the word “Director”, wherever it occurs, the word “Commissioner” shall be substituted.

**Amendment  
of section 263  
of Guj. 34 of  
1964.**

**23.** In the principal Act, in section 263, in sub-section (2), in clause (b), for the word “Director”, the word “Commissioner” shall be substituted.

**Amendment  
of section  
278A of Guj.  
34 of 1964.**

**24.** In the principal Act, section 278A shall be renumbered as sub-section (1) of that section and,-

(1) in sub-section (1) as so renumbered, for the word “Director”, the word “Commissioner” shall be substituted;

(2) after sub-section (1), the following sub-section shall be added, namely:-

“(2) The Commissioner may, with the prior approval of the State Government, by an order in writing, delegate any of its powers exercisable by him under this Act to any officer subordinate to him subject to such terms and conditions, if any, as may be specified in such order.”.

Guj.  
Ord.  
1 of  
2018.

**25.** (1) The Gujarat Municipalities (Amendment) Ordinance, 2018 is hereby repealed.

**Repeal  
and  
saving.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

### STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Municipalities Act, 1963 for the administration and management of municipal affairs of the municipalities in the State. When the said Act came into force, there were about 52 Municipalities in the State. However, with the increase in population, the number of municipalities in the State stands increased to 162 as on date.

In the recent years, the activities undertaken by the municipalities have expanded manifold. As a result of the different projects such as Atal Mission For Rejuvenation and Urban Transformation (AMRUT), Affordable Housing, *Swachhh Bharat Mission* and Swarnim Jayanti Mukhyamantri Shehara Vikas Yojana having been initiated by the Government of India and the State Government as also because of the increase in the population and urbanization, the municipalities are required to be more result oriented to meet the growing aspirations of citizens.

However, it appears that the municipalities, with the present number of the officers at its disposal find it difficult to cope up with the increased functions and responsibilities. As such the creation of high level posts for the speedy administration and management of the municipalities has become necessary. The State Government has, therefore, thought it fit to create a new post of Commissioner of Municipalities Administration in place of the Director of Municipalities. The State Government has also decided to create a new post of Additional Commissioner who shall assist the Commissioner for smooth functioning of Commissionerate. The State Government has further decided to constitute such number of regions consisting of such districts which shall be headed by the Regional Commissioner who shall be vested with certain powers which are presently vested in the Collector under the said Act.

As the Legislative Assembly of the State of Gujarat was not in session, at that time, the Gujarat Municipalities (Amendment) Ordinance, 2018 was promulgated on the 24<sup>th</sup> May, 2018 to amend the said Act to achieve the aforesaid objects. This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

**NITIN PATEL,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill provides for delegation of legislative power in the following respects:-

**Clause 3.-** Sub-section (2) of new section 46C proposed to be inserted by this clause empowers the State Government to constitute, by notification in the *Official Gazette*, as many regions as it deems fit, consisting of such Municipalities in the districts as may be specified in the notification.

The delegation of Legislative power as aforesaid is necessary and is of a normal character.

Dated the 10<sup>th</sup> September, 2018.

**NITIN PATEL.**

By order and in the name of the Governor of Gujarat,

**K.M. Lala,**

Gandhinagar,  
Dated the 10<sup>th</sup> September, 2018.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary  
Affairs Department.

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT GOODS AND SERVICES TAX (AMENDMENT) BILL, 2018.

GUJARAT BILL NO. 39 2018

#### A BILL

*further to amend the Gujarat Goods and Services Tax Act, 2017.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Goods and Services Tax (Amendment) Act, 2018.

Short title and  
commencement.

(2) It shall come into force on such date as the Government may, by notification in the *Official Gazette*, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Amendment  
of section 2 of  
Guj. 25 of  
2017.

2. In the Gujarat Goods and Services Tax Act, 2017 (hereinafter referred to as “the principal Act”), in section 2,— Guj. 25 of 2017.

- (1) in clause (4), for the words “the Appellate Authority and the Appellate Tribunal”, the words, brackets and figures “the Appellate Authority, the Appellate Tribunal and the Authority referred to in sub-section (2) of section 171” shall be substituted;
- (2) in clause (16), for the words “Central Board of Excise and Customs”, the words “Central Board of Indirect Taxes and Customs” shall be substituted;
- (3) in clause (17), for sub-clause (h), the following sub-clause shall be substituted, namely:-  
  - “(h) activities of a race club including by way of totalisator or a license to book maker or activities of a licensed book maker in such club; and”;
- (4) clause (18) shall be omitted;
- (5) in clause (35), for the word, brackets and letter “clause (c)”, the word, brackets and letter “clause (b)” shall be substituted;
- (6) in clause (69), in sub-clause (f), after the word and figures “article 371”, the words, figures and letter “and article 371J” shall be inserted;
- (7) in clause (102), the following *Explanation* shall be inserted, namely:—

“**Explanation.**—For the removal of doubts, it is hereby clarified that the expression “services” includes facilitating or arranging transactions in securities;”.

Amendment  
of section 7 of  
Guj. 25 of  
2017.

3. In the principal Act, in section 7, with effect from the 1st day of July, 2017,—

- (1) in sub-section (1), —
  - (a) in clause (b), after the words “or furtherance of business;”, the word “and” shall be inserted and shall always be deemed to have been inserted;



- (b) in clause (c), after the words “a consideration”, the word “and” shall be omitted and shall always be deemed to have been omitted;
    - (c) clause (d) shall be omitted and shall always be deemed to have been omitted;
  - (2) after sub-section (1), the following sub-section shall be inserted and shall always be deemed to have been inserted, namely:-
    - “(1A) where certain activities or transactions, constitute a supply in accordance with the provisions of sub-section (1), they shall be treated either as supply of goods or supply of services as referred to in Schedule II.”;
  - (3) in sub-section (3), for the words, brackets and figures “sub-sections (1) and (2)”, the words, brackets, figures and letter “sub-sections (1), (1A) and (2)” shall be substituted.
4. In the principal Act, in section 9, for sub-section (4), the following sub-section shall be substituted, namely:-
- Amendment  
of section 9 of  
Guj. 25 of  
2017.
- “(4) The Government may, on the recommendations of the Council, by notification, specify a class of registered persons who shall, in respect of supply of specified categories of goods or services or both received from an unregistered supplier, pay the tax on reverse charge basis as the recipient of such supply of goods or services or both, and all the provisions of this Act shall apply to such recipient as if he is the person liable for paying the tax in relation to such supply of goods or services or both.”.
5. In the principal Act, in section 10,—
- Amendment  
of section 10  
of Guj. 25 of  
2017.
- (1) in sub-section (1) —
    - (a) for the words “in lieu of the tax payable by him, an amount calculated at such rate”, the words, brackets and figures “in *lieu* of the tax payable by him under sub-section (1) of section 9, an amount of tax calculated at such rate” shall be substituted;
    - (b) in the proviso, for the words “one crore rupees, as may be recommended by the Council.”, the words “one crore and fifty lakh rupees as may be recommended by the Council:” shall be substituted;

- (c) after the proviso, the following proviso shall be inserted, namely:-

“Provided further that a person who opts to pay tax under clause (a) or clause (b) or clause (c) may supply services (other than those referred to in clause (b) of paragraph 6 of Schedule II), of value not exceeding ten per cent. of turnover in the State in the preceding financial year or five lakh rupees, whichever is higher.”;

- (2) in sub-section (2), for clause (a), the following clause shall be substituted, namely:-

“(a) save as provided in sub-section (1), he is not engaged in the supply of services;”.

Amendment  
of section 12  
of Guj. 25 of  
2017.

6. In the principal Act, in section 12, in sub-section (2), in clause (a), the words, brackets and figure “sub-section (1) of” shall be omitted.

Amendment  
of section 13  
of Guj. 25 of  
2017.

7. In the principal Act, in section 13, in sub-section (2), the words, brackets and figure “sub-section (2) of” occurring at both the places, shall be omitted.

Amendment  
of section 16  
of Guj. 25 of  
2017.

8. In the principal Act, in section 16, in sub-section(2),-
- (1) in clause (b), for the Explanation, the following Explanation shall be substituted, namely:-

“**Explanation.**—For the purposes of this clause, it shall be deemed that the registered person has received the goods or, as the case may be, services-

- (i) where the goods are delivered by the supplier to a recipient or any other person on the direction of such registered person, whether acting as an agent or otherwise, before or during movement of goods, either by way of transfer of documents of title to goods or otherwise;
- (ii) where the services are provided by the supplier to any person on the direction of and on account of such registered person.”;

- (2) in clause (c), for the word and figures “section 41”, the words, figures and letter “section 41 or section 43A” shall be substituted.

## 9. In the principal Act, in section 17,-

**Amendment  
of section 17  
of Guj. 25 of  
2017.**

- (1) in sub-section (3), the following Explanation shall be inserted, namely:-

**“Explanation.**—For the purposes of this sub-section, the expression ‘value of exempt supply’ shall not include the value of activities or transactions specified in Schedule III, except those specified in paragraph 5 of the said Schedule.”;

- (2) in sub-section (5), for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) motor vehicles for transportation of persons having approved seating capacity of not more than thirteen persons (including the driver), except when they are used for making the following taxable supplies, namely:-

- (A) further supply of such motor vehicles; or
- (B) transportation of passengers; or
- (C) imparting training on driving such motor vehicles;

(aa) vessels and aircraft except when they are used-

- (i) for making the following taxable supplies, namely:-

- (A) further supply of such vessels or aircraft; or
- (B) transportation of passengers; or
- (C) imparting training on navigating such vessels; or
- (D) imparting training on flying such aircraft;

- (ii) for transportation of goods;

(ab) services of general insurance, servicing, repair and maintenance in so far as they relate to motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa):

Provided that the input tax credit in respect of such services shall be available—

- (i) where the motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) are used for the purposes specified therein;

- (ii) where received by a taxable person engaged-

- (I) in the manufacture of such motor vehicles, vessels or aircraft; or
- (II) in the supply of general insurance services in respect of such motor vehicles, vessels or aircraft insured by him;

(b) the following supply of goods or services or both-

- (i) food and beverages, outdoor catering, beauty treatment, health services, cosmetic and plastic surgery, leasing, renting or hiring of motor vehicles, vessels or aircraft referred to in clause (a) or clause (aa) except when used for the purposes specified therein, life insurance and health insurance:

Provided that the input tax credit in respect of such goods or services or both shall be available where an inward supply of such goods or services or both is used by a registered person for making an outward taxable supply of the same category of goods or services or both or as an element of a taxable composite or mixed supply;

- (ii) membership of a club, health and fitness centre; and
- (iii) travel benefits extended to employees on vacation such as leave or home travel concession:

Provided that the input tax credit in respect of such goods or services or both shall be available, where it is obligatory for an employer to provide to its employees under any law for the time being in force.”.

Amendment  
of section 20  
of Guj. 25 of  
2017.

10. In the principal Act, in section 20, in the Explanation, in clause (c), for the words and figures “under entry 84,”, the words, figures and letter “under entries 84 and 92A” shall be substituted.

Amendment  
of section 22  
of Guj. 25 of  
2017.

11. In the principal Act, in section 22,—

- (1) in sub-section (1), after the proviso, the following proviso shall be inserted, namely:-

“Provided further that where such person makes taxable supplies of goods or services or both from a special category State in respect of which the Central Government has enhanced the aggregate turnover referred to in the first proviso, he shall be liable to be registered if his aggregate turnover in a financial year exceeds the amount equivalent to such enhanced turnover.”;

- (2) in the Explanation, in clause (iii), after the word “Constitution”, the words “except the State of Jammu and Kashmir and States of Arunachal Pradesh, Assam, Himachal Pradesh, Meghalaya, Sikkim and Uttarakhand” shall be inserted.”.
- 12.** In the principal Act, in section 24, in clause (x), after the words “commerce operator”, the words and figures “who is required to collect tax at source under section 52” shall be inserted. **Amendment of section 24 of Guj. 25 of 2017.**
- 13.** In the principal Act, in section 25,—
- (1) in sub-section (1), after the proviso and before the Explanation, the following proviso shall be inserted, namely:- **Amendment of section 25 of Guj. 25 of 2017.**
- 28 of 2005.** “Provided further that a person having a unit, as defined in the Special Economic Zones Act, 2005, in a Special Economic Zone or being a Special Economic Zone developer shall have to apply for a separate registration, as distinct from his place of business located outside the Special Economic Zone in the State.”;
- (2) in sub-section (2), for the existing proviso, the following proviso shall be substituted, namely:-
- “Provided that a person having multiple places of business in the State may be granted a separate registration for each such place of business, subject to such conditions as may be prescribed.”.
- 14.** In the principal Act, in section 29,—
- (1) in the heading after the word “Cancellation”, the words “or suspension” shall be inserted; **Amendment of section 29 of Guj. 25 of 2017.**
- (2) to sub-section (1), the following proviso shall be inserted, namely:-
- “Provided that during pendency of the proceedings relating to cancellation of registration filed by the registered person, the registration may be suspended for such period and in such manner as may be prescribed.”;
- (3) in sub-section (2), after the existing proviso, the following proviso shall be inserted, namely:-
- “Provided further that during pendency of the proceedings relating to cancellation of registration, the proper officer may suspend the registration for such period and in such manner as may be prescribed.”.

Amendment  
of section 34  
of Guj. 25 of  
2017.

15.

In the principal Act, in section 34,-

- (1) in sub-section (1),-
  - (a) for the words “Where a tax invoice has”, the words “Where one or more tax invoices have” shall be substituted;
  - (b) for the words “a credit note”, the words “one or more credit notes for supplies made in a financial year” shall be substituted;
- (2) in sub-section (3),-
  - (a) for the words “Where a tax invoice has”, the words “Where one or more tax invoices have” shall be substituted;
  - (b) for the words “a debit note”, the words “one or more debit notes for supplies made in a financial year” shall be substituted.

Amendment  
of section 35  
of Guj. 25 of  
2017.

16.

In the principal Act, in section 35, in sub-section (5), the following proviso shall be inserted, namely:-

“Provided that nothing contained in this sub-section shall apply to any department of the Central Government or a State Government or a local authority, whose books of account are subject to audit by the Comptroller and Auditor-General of India or an auditor appointed for auditing the accounts of local authorities under any law for the time being in force.”.

Amendment  
of section 39  
of Guj. 25 of  
2017.

17.

In the principal Act, in section 39,-

- (1) in sub-section (1),-
  - (a) for the words “in such form and manner as may be prescribed”, the words “in such form, manner and within such time as may be prescribed” shall be substituted;
  - (b) the words “on or before the twentieth day of the month succeeding such calendar month or part thereof.” shall be omitted;
  - (c) the following proviso shall be inserted, namely:-

“Provided that the Government may, on the recommendations of the Council, notify certain classes of registered persons who shall furnish return for every quarter or part thereof, subject to such conditions and safeguards as may be specified therein.”;

- (2) in sub-section (7), the following proviso shall be inserted, namely:-

“Provided that the Government may, on the recommendations of the Council, notify certain classes of registered persons who shall pay to the Government the tax due or part thereof as per the return on or before the last date on which he is required to furnish such return, subject to such conditions and safeguards as may be specified therein.”;

- (3) in sub-section (9),-

- (a) for the words “in the return to be furnished for the month or quarter during which such omission or incorrect particulars are noticed”, the words “in such form and manner as may be prescribed” shall be substituted;
- (b) in the proviso, for the words “the end of the financial year”, the words “the end of the financial year to which such details pertain” shall be substituted.

18. After section 43 of the principal Act, the following section shall be inserted, namely:—

Procedure for  
furnishing  
return and  
availing input  
tax credit.

“43A. (1) Notwithstanding anything contained in sub-section (2) of section 16, section 37 or section 38, every registered person shall in the returns furnished under sub-section (1) of section 39 verify, validate, modify or delete the details of supplies furnished by the suppliers.

- (2) Notwithstanding anything contained in section 41, section 42 or section 43, the procedure for availing of input tax credit by the recipient and verification thereof shall be such as may be prescribed.
- (3) The procedure for furnishing the details of outward supplies by the supplier on the common portal, for the purposes of availing input tax credit by the recipient shall be such as may be prescribed.
- (4) The procedure for availing input tax credit in respect of outward supplies not furnished under sub-section (3) shall be such as may be prescribed and such procedure may include the maximum amount of the input tax credit which can be so availed, not exceeding twenty per cent. of the input tax credit available, on the basis of details furnished by the suppliers under the said sub-section.

Insertion of  
new section  
43A in Guj.  
25 of 2017.

- (5) The amount of tax specified in the outward supplies for which the details have been furnished by the supplier under sub-section (3) shall be deemed to be the tax payable by him under the provisions of the Act.
- (6) The supplier and the recipient of a supply shall be jointly and severally liable to pay tax or to pay the input tax credit availed, as the case may be, in relation to outward supplies for which the details have been furnished under sub-section (3) or sub-section (4) but return thereof has not been furnished.
- (7) For the purposes of sub-section (6), the recovery shall be made in such manner as may be prescribed and such procedure may provide for non-recovery of an amount of tax or input tax credit wrongly availed not exceeding one thousand rupees.
- (8) The procedure, safeguards and threshold of the tax amount in relation to outward supplies, the details of which can be furnished under sub-section (3) by a registered person,-
  - (a) within six months of taking registration;
  - (b) who has defaulted in payment of tax and where such default has continued for more than two months from the due date of payment of such defaulted amount, shall be such as may be prescribed.”.

**Amendment  
of section 48  
of Guj. 25 of  
2017.**

- 19.** In the principal Act, in section 48, in sub-section (2), after the word and figures “section 45”, the words “and to perform such other functions” shall be inserted.

**Amendment  
of section 49  
of Guj. 25 of  
2017.**

- 20.** In the principal Act, in section 49,-
- (1) in sub-section (2), for the word and figures “section 41”, the words, figures and letter “section 41 or section 43A” shall be substituted;
  - (2) in sub-section (5),-
    - (a) in clause (c), the following proviso shall be inserted, namely:-
 

“Provided that the input tax credit on account of State tax shall be utilised towards payment of integrated tax only where the balance of the input tax credit on account of central tax is not available for payment of integrated tax;”;



- (b) in clause (d), the following proviso shall be inserted, namely:-

“Provided that the input tax credit on account of Union territory tax shall be utilised towards payment of integrated tax only where the balance of the input tax credit on account of central tax is not available for payment of integrated tax;”.

- |  |   |   |
|--|---|---|
| 21.  | In the principal Act, after section 49, the following sections shall be inserted, namely:-  | Insertion of new sections 49A and section 49B in Guj. 25 of 2017. |
| Utilisation of input tax credit subject to certain conditions. | “49A. Notwithstanding anything contained in section 49, the input tax credit on account of State tax shall be utilised towards payment of integrated tax or State tax, as the case may be, only after the input tax credit available on account of integrated tax has first been utilised fully towards such payment.”.   |   |
| Order of Utilisation of input tax credit                       | 49B. Notwithstanding anything contained in this Chapter and subject to the provisions of clause (e) and clause (f) of sub-section (5) of section 49, the Government may, on the recommendations of the Council, prescribe the order and manner of utilisation of the input tax credit on account of integrated tax, central tax, State tax or Union territory tax, as the case may be, towards payment of any such tax.”. |   |
| 22.  | In the principal Act, in section 52, in sub-section (9), for the word and figures “section 37”, the words and figures “section 37 or section 39” shall be substituted.  | Amendment of section 52 of Guj. 25 of 2017.                       |
| 23.  | In the principal Act, in section 54,-   | Amendment of section 54 of Guj. 25 of 2017.                       |
|  | (1) in sub-section (8), in clause (a), for the words “zero-rated supplies”, the words "export" and "exports" shall respectively be substituted;   |   |
|  | (2) in the Explanation, in clause (2),—   |   |
|  | (a) in sub-clause (c), in item (i), after the words “foreign exchange”, the words “or in Indian rupees wherever permitted by the Reserve Bank of India” shall be inserted;  |   |
|  | (b) for sub-clause (e), the following sub-clause shall be substituted, namely:-   |   |
|  | “(e) in the case of refund of unutilised input tax credit under clause (ii) of the first proviso to sub-section (3), the due date for furnishing of return under section 39 for the period in which such claim for refund arises;”.   |   |

- Amendment of section 79 of Guj. 25 of 2017.** **24.** In the Principal Act, in section 79, after sub-section (4), the following Explanation shall be inserted, namely:—
- ‘Explanation.*—For the purposes of this section, the word person shall include “distinct persons” as referred to in sub-section (4) or, as the case may be, sub-section (5) of section 25.’.
- Amendment of section 107 of Guj. 25 of 2017.** **25.** In section 107 of the principal Act, in sub-section (6), in clause (b), after the words “arising from the said order,” the words “subject to a maximum of twenty-five crore rupees,” shall be inserted.
- Amendment of section 112 of Guj. 25 of 2017.** **26.** In the principal Act, in section 112, in sub-section (8), in clause (b), after the words “arising from the said order,” the words “subject to a maximum of fifty crore rupees,” shall be inserted.
- Amendment of section 129 of Guj. 25 of 2017.** **27.** In the principal Act, in section 129, in sub-section (6), for the words “seven days” occurring at both the places, the words “fourteen days” shall be substituted.
- Amendment of section 143 of Guj. 25 of 2017.** **28.** In the principal Act, in section 143, in sub-section (1), in clause (b), after the existing proviso, the following proviso shall be inserted, namely:-
- “Provided further that the period of one year and three years may, on sufficient cause being shown, be extended by the Commissioner for a further period not exceeding one year and two years respectively.”.
- Amendment in Schedule I to Guj. 25 of 2017.** **29.** In the principal Act, in Schedule I, in paragraph 4, for the words “taxable person”, the word “person” shall be substituted.
- Amendment in Schedule II to Guj. 25 of 2017.** **30.** In the principal Act, in Schedule II, in the heading, after the word “ACTIVITIES”, the words “OR TRANSACTIONS” shall be inserted and shall be deemed to have been inserted with effect from the 1st day of July, 2017.
- Amendment in Schedule III to Guj. 25 of 2017.** **31.** In the principal Act, in Schedule III, —
- (1) after paragraph 6, the following paragraphs shall be inserted, namely:-
- “7. Supply of goods from a place outside India to another place outside India without such goods entering into India.

8. (a) Supply of warehoused goods to any person before clearance for home consumption;
- (b) Supply of goods by the consignee to any other person, by endorsement of documents of title to the goods, after the goods have been dispatched from the port of origin located outside India but before clearance for home consumption.”;
- (2) The Explanation shall be numbered as Explanation 1 and after Explanation 1 as so numbered, the following Explanation shall be inserted, namely:-

52 of 1962.

“**Explanation 2.**—For the purposes of paragraph 8, the expression “warehoused goods” shall have the same meaning as assigned to it in the Customs Act, 1962.”.

### STATEMENT OF OBJECTS AND REASONS

The Gujarat Goods and Services Tax Act, 2017 was enacted with a view to making a provision for levy and collection of tax on *intra-State* supply of goods or services or both by the State Government.

2. The said Act provides for certain provisions for smooth transition of existing tax payers to new goods and services tax regime. However, the new tax regime had faced certain difficulties. One of the major inconveniences caused to the taxpayers, especially small and medium enterprises, was the process of filing return and payment of tax under the Goods and Services Tax laws. In this regard, the proposed new return filing system, envisages quarterly filing of return and tax payment for small taxpayers along with minimum paperwork. In order to implement the new return filing system, and also to overcome the above difficulties, it is proposed to amend the said Act.

3. The proposed Gujarat Goods and Services Tax (Amendment) Bill, 2018, *inter alia*, provides for the following, namely:—

- (i) to amend section 7 of the Act to clarify the scope of supply;
- (ii) to amend section 9 of the Act empowering the Government to notify classes of registered persons to pay the tax on reverse charge basis in respect of receipt of supplies of certain specified goods from unregistered suppliers;
- (iii) to amend section 10 of the Act so as to enhance the limit of composition levy from one crore rupees to one crore and fifty lakh rupees;
- (iv) to amend section 17 of the Act to specify the scope of input tax credit;
- (v) to amend section 22 of the Act to enhance the exemption limit for registration in the special category States from ten lakh rupees to twenty lakh rupees;
- (vi) to amend section 25 of the Act so as to facilitate tax payer to have the option to obtain multiple registrations for multiple places of business located within the same State and to provide for separate registration for Special Economic Zone unit or developer;
- (vii) to amend section 29 of the Act so as to insert a provision for temporary suspension of registration while cancellation of registration is under process;

- (viii) to insert a new section 43A so as to provide for the new system of filing return and availing input tax credit;
- (ix) to amend sub-section (6) of section 107 of the Act relating to Appeals so as to provide that the amount of pre-deposit payable for filing of appeal shall be capped at twenty five crore rupees;
- (x) to amend section 129 of the Act so as to increase the period relating to detention or seizure of goods and conveyance in transit from seven days to fourteen days;
- (xi) to amend section 143 of the principal Act relating to “Job work procedure” in order to empower the Commissioner to extend the time limit for return of inputs and capital goods sent on job work, upto a period of one year and two years, respectively;
- (xii) to amend Schedule I of the principal Act relating to “Activities to be treated as supply even if made without consideration;
- (xiii) to amend the title of Schedule II of the principal Act from “Activities to be treated as supply of goods or supply of services” to “Activities or transactions to be treated as supply of goods or supply of services;
- (xiv) to amend Schedule III of the principal Act relating to “Activities or transactions which shall be treated neither as a supply of goods nor a supply of services

This Bill seeks to amend the said Act to to achieve the above objects.

**NITIN PATEL,**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill provides for delegation of legislative powers in the following respects:--

**Clause 1.**— Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force and different dates may be appointed for different provisions.

**Clause 4.**— Sub-section (4) of section 9 proposed to be substituted by this clause empowers the State Government to specify, by notification in the *Official Gazette*, a class of registered persons who shall, in respect of supply of specified categories of goods or services or both received from an unregistered supplier, pay the tax on reverse charge basis as the recipient of such supply of goods or services or both, and all the provisions of this Act shall apply to such recipient as if he is the person liable for paying the tax in relation to such supply of goods or services or both.

**Clause 13.**— Proviso to sub-section (2) of section 25 proposed to be substituted by this clause empowers the State Government to prescribe by rules, a person having multiple places of business in the State may be granted a separate registration for each such place of business.

**Clause 14.**— (i) New proviso to sub-section (1) of section 29 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the period within which and the manner in which the registration may be suspended during pendency of the proceedings relating to cancellation of registration filed by the registered person;

(ii) new proviso to sub-section (2) of section 29 proposed to be inserted by this clause empowers the State Government to prescribe by rules, the period within which and the manner in which the registration may be suspended by the proper officer during pendency of the proceedings relating to cancellation of registration.

**Clause 18.**— (i) Sub-section (2) of new section 43A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the procedure for availing of input tax credit by the recipient and verification thereof;

(ii) Sub-section (3) of new section 43A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the procedure for furnishing the details of outward supplies by the supplier on the common portal, for the purposes of availing input tax credit by the recipient;

(iii) Sub-section (4) of new section 43A proposed to be inserted by this clause empowers the State Government to prescribe by rules, procedure for availing input tax credit in respect of outward supplies not furnished under sub-section (3) of new section 43A;

(iv) Sub-section (7) of new section 43A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the manner in which the recovery shall be made for the purpose of sub-section (6) of said new section 43A;

(v) sub-section (8) of new section 43A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the procedure, safeguards and threshold of the tax amount in relation to outward supplies, the details of which can be furnished under sub-section (3) by a registered person who has defaulted in payment of tax and where such default has continued for more than two months from the due date of payment of such defaulted amount.

**Clause 21.-** (i) New section 49B proposed to be inserted by this clause empowers the State Government to prescribe by rules, the order and the manner of utilisation of the input tax credit on account of integrated tax, central tax, State tax or Union territory tax, as the case may be, towards payment of any such tax.

Certain matters in respect of which the rules may be made are generally matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 12<sup>th</sup> September, 2018.

**NITIN PATEL.**

By order and in the name of the Governor of Gujarat,

**K. M. Lala,**

Gandhinagar,  
Dated the 12<sup>th</sup> September, 2018.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary  
Affairs Department.

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सत्यमेव जयते

# The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE CRIMINAL LAW (GUJARAT AMENDMENT) BILL, 2018.

### GUJARAT BILL NO. 40 2018.

### *A BILL*

*further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973, in their application to the State of Gujarat.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Criminal Law (Gujarat Amendment) Act, 2018. Short title, and commencement.



- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

XLV of 1860.

Insertion of  
new sections  
379A and  
379B in XLV  
of 1860.

2. In the Indian Penal Code, 1860, after section 379, the following sections shall be inserted, namely:—

Snatching.

“379A.(1) Whoever, with the intention to commit theft, suddenly or quickly or forcibly seizes or secures or grabs or takes away from any person or from his physical possession any moveable property, and makes or attempts to make escape with such property, is said to commit snatching.

(2) Whoever attempts to commit snatching shall be punished with rigorous imprisonment for a term which shall not be less than five years but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.

(3) Whoever commits snatching shall be punished with rigorous imprisonment for a term which shall not be less than seven years but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.

(4) Whoever, after committing or attempting to commit snatching, causes hurt or wrongful restraint or fear of hurt, in order to effect his escape without the object of snatching, shall be punished with rigorous imprisonment for a term which may extend to three years, in addition to the punishment provided for the offence of snatching by the preceding sub-sections.

Snatching after  
preparation  
made for causing  
death, hurt or  
restraint in order  
to the  
committing of  
the snatching.

379B. Whoever commits or attempts to commit snatching, having made preparation for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, to any person, in order to the committing of such snatching, or in order to the retaining of property taken by such snatching, shall be punished with rigorous imprisonment for a term which shall not be less than seven years

but which may extend to ten years, and with fine which may extend to twenty-five thousand rupees.”.

- 2 of 1974. 3. In the Code of Criminal Procedure, 1973, in the First Schedule, in the table, under the heading “Chapter XVII – Offences against Property”, after section 379, the following shall be inserted, namely:—

**Amendment  
of First  
Schedule to 2  
of 1974.**

Sections	Offence	Punishment	Cognizable or Non- cognizable	Bailable or Non- bailable	By what court triable
“379A.	Attempt to commit snatching	Rigorous imprisonment of not less than five years but which may extend to ten years, and fine of 25,000 rupees.	Cognizable	Non- bailable	Court of Session.
	Committing snatching	Rigorous imprisonment of not less than seven years but which may extend to ten years, and fine of 25,000 rupees.	Ditto	Ditto	Ditto.
	Causing hurt or wrongful restraint or fear of hurt, in order to effect escape without the object of snatching, after attempting to commit or after committing snatching	Rigorous imprisonment which may extend to three years, in addition to punishment under other sub-sections.	Ditto	Ditto	Ditto.

Sections	Offence	Punishment	Cognizable or Non-cognizable	Bailable or Non-bailable	By what court triable
<b>379B.</b>	Snatching, after preparation having been made for causing death, or hurt, or restraint, in order to the committing of such snatching, or to retaining property taken by it.	Rigorous imprisonment of not less than seven years but which may extend to ten years, and fine of 25,000 rupees.	Ditto	Ditto	Ditto.”.

### STATEMENT OF OBJECTS AND REASONS

The State of Gujarat has been rapidly transforming into a robust industrial and commercial economy, in the wake of its industrialization, agricultural growth and urbanization at a rapid pace. Anti-social elements have been noticed to be taking advantage of the people moving in the urban areas with cash, mobiles, ornaments and other moveable properties, by snatching away their moveable property even before they can realize the loss that has suddenly been caused to them. Such incidents shake the confidence of the common man and generate a marked feeling of insecurity among the masses. Besides the financial loss caused to a victim, the object of snatching very often involves issues of faith and emotions in the case of the women, who may undergo emotional trauma when the '*Mangalsutra*' or some other sacred ornament may get snatched. More pertinently, the people find it too risky an affair to intervene for prevention of such an event or to chase the criminals involved, as such anti-social elements are known to be moving around with weapons of assault. Since the existing legal provisions appear to be inadequate to deter the anti-social elements, there is an immediate and urgent need to introduce stringent punishment to effectively check the disturbing menace of snatching.

To strengthen the safety of the citizens, it is necessary to provide for stringent legal provisions to check the menace of snatching moveable property from the physical possession of the people in public places and to

deter the anti-social elements from carrying weapons of assault in pursuit of their criminal activity of snatching. Accordingly, new sections 379A and 379B are inserted in the Indian Penal Code, 1860, in its application to the State of Gujarat.

The insertion of penal provisions inevitably requires the inclusion of the concerned sections of the Indian Penal Code in the First Schedule of the Code of Criminal Procedure, 1973, to facilitate the legal formalities of cognizance, bail and trial of cases made out under the newly-introduced sections. Accordingly, the First Schedule of the said Code is amended.

This Bill seeks to amend the said Acts to achieve the aforesaid objects.

**PRADEEPSINH JADEJA**

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respect:-

**Clause 1.-** Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 12<sup>th</sup> September, 2018.

**PRADEEPSINH JADEJA,**

By order and in the name of the Governor of Gujarat,

**K. M. Lala,**

Gandhinagar,  
Dated the 12<sup>th</sup> September, 2018.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary  
Affairs Department.

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# The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LIX ]

SATURDAY, SEPTEMBER 15, 2018/BHADRA 24, 1940

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT SECONDARY AND HIGHER SECONDARY EDUCATION (AMENDMENT) BILL, 2018.

GUJARAT BILL NO. 41 2018.

### A BILL

*further to amend the Gujarat Secondary and Higher Secondary Education  
Act, 1972.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India  
as follows:-

1. (1) This Act may be called the Gujarat Secondary and Higher  
Secondary Education (Amendment) Act, 2018.

Short title and  
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment  
of section 42  
of Guj.18 of  
1973.**

2. In the Gujarat Secondary and Higher Secondary Education Act, 1972, (hereinafter referred to as the “principal Act”), in section 42,-

**Guj.18 of  
1973.**

(i) the words, brackets and figures “or fails to comply with any direction issued by the Tribunal under sub-section (9) of section 39,” shall be deleted;

(ii) for the words “one hundred” and “one thousand”, the words “one lakh” and “two lakhs” shall be substituted, respectively.

**Amendment of  
section 43 of  
Guj.18 of 1973.**

3. In the principal Act, in section 43, in sub-section (4), for the words “which may extends to two years or with fine which may extend to two hundred rupees”, the words “which shall not be less than three years but which may extend to five years or with fine which may extend to rupees two lakhs” shall be substituted.

### STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 31 of the Gujarat Secondary and Higher Secondary Education Act, 1972 prohibits any person to impart secondary and higher secondary education through a school without obtaining registration from the Gujarat Secondary and Higher Secondary Education Board established under the aforesaid Act.

Section 42 of the said Act provides for penalty of fine for contravention of the provisions of sub-section (1) of section 31 and sub-section (9) of section 39 of the Act. The minimum amount of fine is rupees one hundred which may extend to rupees one thousand for contravention of the aforesaid provisions of the Act.

It has come to the notice of the State Government that certain schools are imparting education without obtaining the registration from the Board; and the students studying in the schools are facing a lot of problems in appearing in the Board's examinations. Since, the school is not registered, the examinations forms of the students are not accepted for want of registration of the school and thereby students and parents are put in awkward situation.

Since the quantum of punishment /amount of the fine is very less in relation to significance of the aforesaid provisions of the said Act it is, therefore, considered necessary to curb such activities being carried out by some of the school managements by enhancing quantum of punishment. Therefore, it is proposed to amend section 42 so as to enhance the existing limit of minimum fine of 'rupees one hundred' to 'rupees one lakh' and 'rupees one thousand' to 'rupees two lakhs'.

The provisions of sections 38, 39 and 40 of the said Act, relating to Tribunal, were deleted by section 24 of the Gujarat Educational Institutions Services Tribunal Act, 2006 (Guj.20 of 2013). Hence, it is necessary to delete the reference of the provisions of sub-section (9) of section 39 from section 42 of the Act. Clause 2 of the Bill provides for the aforesaid two amendments.

Section 43 of the said Act provides for penalty for disclosure of particulars of certain documents relating to the examinations conducted by the Board which are of confidential in nature. Sub-sections (2) and (3) of this section provides for the manner in which the particulars or information of any such secret documents may be considered /treated as disclosed or neglected for taking reasonable care for its protection.



Sub-sections (4) of the said section provides for punishment of imprisonment for a term not exceeding two years or with fine not exceeding two hundred rupees or both for contravention of the provisions of section 43. It is also considered necessary to amend sub-section (4) of the said section 43 so as to enhance the punishment of imprisonment for a term not less three years but which may extend to five years or fine not exceeding two lakh rupees. Clause 3 of the Bill provides for the same.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

**BHUPENDRASINH CHUDASAMA,**

#### **MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative power in the following respect:-

**Clause 1.-** Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

Dated the 15<sup>th</sup> September, 2018. **BHUPENDRASINH CHUDASAMA,**

By order and in the name of the Governor of Gujarat,

**K. M. Lala,**

Gandhinagar,  
Dated the 15<sup>th</sup> September, 2018.

Secretary to the Government of Gujarat,  
Legislative and Parliamentary  
Affairs Department.

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## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

#### THE GUJARAT BIOTECHNOLOGY UNIVERSITY BILL 2018.

#### GUJARAT BILL NO. 42 OF 2018.

#### A BILL

*to provide for establishment and incorporation of Biotechnology University in the State of Gujarat and the matters connected therewith and incidental thereto.*

It is hereby enacted by in the Sixty-ninth Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Gujarat Biotechnology University Act, 2018. **Short title and commencement.**

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

- Definitions.** 2. In this Act, unless the context otherwise requires: -
- (i) "Academic Council" means the Academic Council of the University constituted under section 15;
  - (ii) "Advisory Council" means the advisory council of the University constituted under section 17;
  - (iii) "Board" means the Board of Governors of the University constituted under section 12;
  - (iv) "Chairman" means the Chairman of the University appointed under section 10;
  - (v) "Competent Authority" means any person who is legally delegated or invested authority or power to perform designated functions in relation with the affairs of the University;
  - (vi) "Dean" means the Deans of the University appointed under section 26;
  - (vii) "Director" mean the Directors of the University, or of the Institutes or of the schools or of the Centers of the University appointed under section 25;
  - (viii) "Director General" means the Director General of the University appointed under section 21;
  - (ix) "Finance Committee" means the Finance Committee of the University constituted under section 19;
  - (x) "prescribed" means prescribed by regulations;
  - (xi) "Registrar" means the Registrar of the University appointed under section 24;
  - (xii) "Regulations" means the regulations of the University made under section 38;
  - (xiii) "State Government" means the Government of Gujarat;
  - (xiv) "Student of the University" means a person enrolled in the University for studying for a degree, diploma or other academic distinction under the provisions of this Act;
  - (xv) "University" means the Gujarat Biotechnology University established and incorporated under the provisions of this Act;

## CHAPTER II THE UNIVERSITY

- Establishment and incorporation of University.** 3. (1) There shall be established a University by the name of the "Gujarat Biotechnology University".
- (2) The Chairman, Director General, the Board, the Academic Council, the Advisory Council, the Directors, the Deans, the Registrar and all other persons who may hereafter become such officers or members thereof so long as they continue to hold such office or membership,

hereby constitute a body corporate by the name of the " Gujarat Biotechnology University".

(3) The University shall be a body corporate by the name as aforesaid, having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold and dispose of property, to contract and shall, by the said name sue or be sued.

(4) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all processes in such suits and proceedings shall be issued to, and be served on, the Registrar.

(5) The University shall be competent to raise loans on the securities of its assets and to contract and do all other things necessary for the purposes of this Act:

Provided that the, power to raise any such loan shall be exercised after obtaining the previous permission of the State Government.

4. The headquarters of the university shall be at such place as the State Government may, by notification in the *Official Gazette*, specify. **Headquarters of University.**

5. The University shall be deemed to be established and incorporated for the following objects, namely: **Objects of University.**

- (i) to create schools, centers and institutions of excellence for imparting State of the art product focused, research based, education and skill in the field of biotechnology and allied sciences;
- (ii) to create capabilities for developing world-class infrastructure, intellectual property base and skill sets for education, training, research, product development and technology commercialization in biotechnology and allied sciences;
- (iii) to develop innovative methods for applied and translational research, teaching and skill at various levels of educational accomplishment so as to set high standards of practice based education in biotechnology and allied sciences;
- (iv) to address the societal challenges of the State and the nation and to develop linkages with institutions of national and global repute and to create templates and models of collaboration for interdisciplinary study and research to solve developmental problems using the tools and techniques of biotechnology and allied sciences;
- (v) to create a platform for developing industry linkages delivering research solutions to society by catalyzing translational opportunities;

- (vi) to function as a leading resource center for knowledge and development in the areas of biotechnology and allied sciences;
- (vii) such other objects, not inconsistent with the provisions of this Act which the State Government may, on application by the University, by notification in the *Official Gazette*, specify in this behalf.

University open to all  
irrespective of sex,  
religion, class, creed,  
nationality or  
opinion.

6. (1) No person shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, nationality, place of birth, religious belief or political or other opinion or any of them.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, nationality, place of birth, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or, a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privilege of the University or any benefaction thereof.

(3) No bequest, donation or transfer of any property shall be accepted by University which in the opinion of the Board, involves conditions or obligations opposed to the spirit and objects of the University.

Powers and  
functions of  
University.

7. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely: -

- (i) to administer and manage the University and to establish such institutes, schools and centers for research, education and instruction as are necessary for the furtherance of the objects of the University;
- (ii) to provide for instruction, training and research in areas and subjects pertaining to biotechnology and allied sciences;
- (iii) to develop innovative methods in teaching, research and development, and training in order to achieve international standards of such education, training, research and development;

- (iv) to prescribe courses and curricula and provide for flexibility in the education systems and delivery methodologies including electronic and distance learning;
- (v) to hold examinations and confer degrees, diplomas or grant certificates and other academic distinctions or titles on persons subject to such conditions as the University may determine, and to withdraw or cancel any such degrees, diplomas, certificates, or other academic distinctions or titles in the manner as may be prescribed;
- (vi) to confer honorary degrees or other distinctions in the manner as may be prescribed;
- (vii) to establish such special centres, schools, specialized study centres or other units for research and development as are, in the opinion of the University, necessary for the furtherance of its objects;
- (viii) to provide for printing, reproduction and publication of research and other work and to organize exhibitions, workshops, seminars, conferences, etc.;
- (ix) to sponsor, obtain sponsorship and undertake research in all aspects of biotechnology and allied sciences;
- (x) to collaborate or associate with any educational or other institution with like or similar functions or activities;
- (xi) to develop and maintain linkages with educational or other institutions in any part of the world having functions or activities wholly or partially similar to those of the University, through exchange of teachers, students and scholars and generally in such manner as may be conducive to their common objects;
- (xii) to regulate the expenditure, manage the finances and to maintain accounts of the University;
- (xiii) to receive grants, subventions, subscriptions, donations and gifts for the purposes of the University and consistent with the objects for which the University is established and to enter into any agreement with the Central Government, the State Government, the University Grants Commission or other authorities or bodies for receiving any grants;
- (xiv) to receive funds from the industries or from any other sources as gifts, donations, benefactions or bequests and by transfers of movable and immovable properties for the purposes and objects of the University;
- (xv) to establish, maintain and manage halls and hostels for the residence of students and accommodation for faculties, officers and employees of the University and the guest houses;

- (xvi) to supervise and control the residences and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural activities;
- (xvii) to fix, demand and receive or recover fees and such other charges as may be prescribed;
- (xviii) to institute and award fellowships, scholarships, prizes, medals and other awards;
- (xix) to purchase or to take on lease any land or building or works which may be necessary or convenient for the purpose of the University on such terms and conditions as it may think fit and proper and to construct, alter and maintain any such buildings or works;
- (xx) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms as it may think fit, consistent with the interest, activities and objects of the University after taking prior permission of the State Government;
- (xxi) to draw and accept, to make and endorse, to discount and negotiate Government promissory notes and other promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxii) to raise and borrow moneys on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of moneys, to repay and redeem any money borrowed after taking prior permission of the State Government;
- (xxiii) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of University;
- (xxiv) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyance in respect of the property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University after taking prior permission of the State Government;
- (xxv) to admit the students for the courses offered by the University in the prescribed manner;
- (xxvi) to create academic; technical, administrative, ministerial and other posts and to make appointments thereto;



- (xxvii) to regulate and enforce discipline among the employees of the University and to provide for such disciplinary measures as may be prescribed;
- (xxviii) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, endowed professorship, honorary professorships, adjunct professorships, emeritus professors and any other teaching, academic or research posts and to prescribe qualifications for them;
- (xxix) to appoint persons as Directors, Deans, Professors, Associate Professors, Assistant Professors, Readers, Lecturers, Adjunct Professors, Registrar, or otherwise as teachers, researchers and other categories of employees as decided by the competent authority;
- (xxx) to develop and maintain relationships with teachers, researchers and experts in the domains of development of technologies related to Biological Sciences or involving Biological Sciences for achieving the objects of the University;
- (xxxi) to enter into partnerships, agreements, arrangements, service delivery agreements with other national or international Universities or Institutes of repute for faculty exchange or for collaborative research or, for service agreement for academic instructions as service for knowledge, skill development, research and innovation subject to prior approval of the Government of Gujarat;
- (xxxii) to enter in to partnerships, agreements, arrangements, service delivery agreements with industry or corporations for sponsored or contract research, and for commercialization and further development of technologies subject to such intellectual property sharing arrangements as may be prescribed by general or special regulations by the Board;
- (xxxiii) to set up and operate, or acquire on rental basis or through lease infrastructure and research and development related facilities for the needs of the students and the faculties for the furtherance of the objectives of the University;
- (xxxiv) to set up and operate incubation centers for startups, technology development cell, research park providing colocation research and development facilities for industry and corporations and other institutes;
- (xxxv) to setup and operate animal houses, green houses, plant herbaria, veterinary and medical facilities, bio-banking, gene banking, biosafety facilities, and other incidental facilities to support high tech biotechnology translational and product focused education and research;



(xxxvi) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of the objects of the University.

### **CHAPTER III**

#### **AUTHORITIES AND OFFICERS OF UNIVERSITY**

- |                                       |  |
|---------------------------------------|--|
| <b>Authorities of the University.</b> | <p><b>8.</b> The following shall be the authorities of the University, namely: -</p> <ul style="list-style-type: none"> <li>(i) the Chairman;</li> <li>(ii) the Board of Governors;</li> <li>(iii) the Academic Council;</li> <li>(iv) the Advisory Council;</li> <li>(v) the Finance Committee; and</li> <li>(vi) such other authorities as may bespecified by regulations to be the authorities of the University.</li> </ul>  |
| <b>Officers of the University.</b>    | <p><b>9.</b> The following shall be the officers of the University, namely: -</p> <ul style="list-style-type: none"> <li>(i) the Director General</li> <li>(ii) the Directors</li> <li>(iii) the Deans</li> <li>(iv) the Registrar, and</li> <li>(v) such other persons associated with the functions of the University as may bespecifiedby regulations, to be the officers of the University.</li> </ul>   |
| <b>Chairman.</b>                      | <p><b>10.</b> (1) The Chairman of the University shall be appointed by the State Government, who shall be an eminent educationalist or technologist or scientist or industrialist or administrator; and be associated with education, philanthropy, research and development, industry or business development or administration in the State services, corporations or public bodies.</p> <p>(2) The Chairman shall hold office for a period of three years and shall be eligible for re-nomination.</p> <p>(3) The other terms, conditionsand process of appointment of the Chairman shall be such as may be decided by the State Government.</p> <p>(4) Where a vacancy in the office of the Chairman occurs on account of death, resignation or otherwise, the State Government shall appoint as soon as possible, a suitable person to be the Interim Chairman of the University for such period as may be decided in such order in accordance with the provision of sub-section (1).</p> |

(5) The Chairman may resign from his office by writing under his hand addressed to the State Government and such resignation shall take effect from the date of acceptance by the State Government.

**11.** (1) The Chairman shall preside over the meetings of the Board and at the convocation of the University. **Powers of Chairman.**

(2) The Chairman shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act or regulations made there under.

(3) The Chairman shall have, subject to the provisions of this Act, power to cause an inspection or review, to be made by such person or persons as he may direct, of the University, its buildings, hostels, libraries, equipments and systems and processes and of any institution or center or school maintained by the University, and also of the examinations, teaching, research and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration, academic affairs and finances of the University.

**12.** (1) The Board of Governors of the University shall consist of following members, namely: **Board of Governors.**

- (i) the Chairman of University;
- (ii) the Chairman of the Advisory Council;
- (iii) the Director General;
- (iv) the Secretary to the Government of Gujarat, Department of Science and Technology, *ex-officio*;
- (v) the Secretary to the Government of Gujarat, Higher and Technical Education, Education Department, *ex-officio*;
- (vi) the Secretary to the Government of Gujarat, Finance Department, *ex-officio*, to be nominated by the Finance Department;
- (vii) the Mission Director, Gujarat State Biotechnology Mission, *ex-officio*;
- (viii) the Director, Gujarat Biotechnology Research Center, *ex-officio*;
- (ix) one Vice-Chancellor or ex-Vice-Chancellor of the State or National University or a Director or equivalent of the Institute of national repute, to be nominated by the Board;
- (x) two expert academicians, to be nominated by the Board;
- (xi) three experts representing other disciplines such as finance, legal, management, science or industries, to be nominated by the Board; and

- (xii) in the event of the University having a significant collaborative partnership for academics or research with any University or institutions or school or center of repute, two nominees of such partnering University or institution or center.

(2) The first time nomination of members listed at serial no (ix), (x), (xi) shall be done by the State Government.

(3) The Registrar shall be the Secretary of the Board.

**Powers and  
functions of  
Board.**

**13.** (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, directions and the control of the affairs of the University and shall exercise all the powers of the University, and shall have the power to review the acts of the Academic Council, Finance Committee and other committees or authorities constituted by the University.

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the following powers and functions, namely: -

- (i) to take decisions on questions of policy relating to the administration and working of the University;
- (ii) to institute courses of study at the University;
- (iii) to lay down policies to be pursued by the University;
- (iv) to make regulations;
- (v) to consider and approve the annual report and the annual budget of the University for every financial year;
- (vi) to invest moneys and funds of the University and take decision on the recommendation of the Finance Committee;
- (vii) to create or abolish posts of teachers, officers and other employees of the University
- (viii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (ix) to appoint Director General;
- (x) to decide and approve partnerships, commercial arrangements with other legal entities in furtherance of the objectives of the University
- (xi) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by or under this Act or the regulations, and all such other powers and functions for achieving the objectives of the University.

(3) The Board may delegate any of its powers (except power to make regulations) to the Director General, Directors, Deans, Registrar or any other officer, employee or authority of the University or to a committee appointed by it.

**14.** (1) Save as otherwise provided in this section, the term of a member of the Board nominated under sub-section (1) of section 12 shall be three years from the date of his nomination, and such member shall be eligible for re-nomination

**Term of office and vacancies amongst members of Board and allowances, etc.**

(2) A member nominated under sub-section (1) of section 12 may resign from his office by writing under his hand addressed to the Chairman and his resignation shall take effect from the date it is accepted by the Chairman.

**15.** (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, have the control and regulation of, and be responsible for, the maintenance of standards of instruction, education, research and evaluation within the University.

**Academic Council.**

(2) The Academic Council of the University shall consist of the following members, namely: -

- (i) the Director General, who shall be the Chairman of the Council;
- (ii) three academicians or professionals, to be nominated by the Board;
- (iii) the Directors,
- (iv) the Deans,
- (v) two faculty members from the programs being run at the University campus, to be nominated by the Board,
- (vi) one faculty of each University School, to be nominated by the Director General.

(3) The Registrar shall be the Secretary of the Academic Council.

(4) The term of office of the members other than the *ex-officio* members, shall be three years and shall be eligible for re-nomination.

(5) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Board and his resignation shall take effect from such date it is accepted by the Chairman of the Board.

**Powers and functions of academic council.** **16.** Subject to the provisions of this Act and the regulations, the Academic Council shall have the following powers and functions, namely: -

- (i) to exercise control over the academic policies of the University and be responsible for the maintenance and improvement of standards of instructions, education, research and evaluation in the University;
- (ii) to consider matters of general academic interest either on its own initiative or on a reference from the faculties/officers of the University or the Board and to take appropriate action thereon;
- (iii) to recommend to the Board, such regulations as are consistent with this Act regarding the academic functioning of the University including discipline of students; and
- (iv) to exercise such other powers and perform such other functions as may be conferred upon it by the regulations.

**Advisory Council.** **17.** (1) The Advisory Council of the University shall consist of the following members, namely:

- (i) the Chairman;
- (ii) the Director General;
- (iii) five academicians or research scientists of national or global eminence, to be nominated by the Board;
- (iv) two leading members from biotech industry or industry associations having national or international operations nominated by the Board;
- (v) Directors;
- (vi) two faculty members from the programs being run at the University campus, to be nominated by the Board.

(2) The Registrar shall be the Secretary of the advisory council.

(3) The term of the nominated members of the Advisory Council shall be for a period of three years from the date of constitution. The other terms and conditions of the members of the Advisory Council shall be such as may be determined by the regulations.

(4) The Chairman of the Advisory Council shall be appointed by the State Government, who shall be an eminent educationalist or technologist or industrialist or administrator having vision for research or innovation; and be associated with education, philanthropy, industrial or business development or administration in the State services, corporations or public bodies.

(5) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Advisory Council and his resignation shall take effect from such date it is accepted by the Chairman of the Advisory Council.

(6) The other terms and conditions, including remuneration for the members of the Advisory Council shall be such as may be decided by the Board.

**18.** The Advisory Council shall advise the Board in relation to:

- (i) matters related to research focus, infrastructure and campus development, internationalization of the activities and programs, technology enhanced curriculum and pedagogy, technology commercialization, intellectual property rights policy, protection of inventions, and licensing of University
- (ii) matters of strategic vision, direction and partnerships for the University, global and national tie ups, research collaborations at institution level, program diversification.

**Powers and functions of advisory council.**

- owned technology, procedu

**19. (1)** The Finance Committee shall consist of the following members, namely:-

**Finance committee.**

- (i) the Director General, who shall be the Chairman of the Committee;
- (ii) one member of the Board, to be nominated by the Board;
- (iii) one Director or Dean of the University, to be nominated by the Director General;
- (iv) one Director from each of non-co-located schools or centers or institutions affiliated to the University;
- (v) the Secretary to the Government of Gujarat, Finance Department, *ex-officio*, to be nominated by the Finance Department;
- (vi) the Secretary to the Government of Gujarat, Department of Science and Technology, *ex-officio*; and
- (vii) one expert in the field of finance, to be nominated by the Board.

(2) The Registrar shall be the Secretary of the Finance Committee.

(3) The term of office of the members other than the *ex-officio* members shall be three years.

(4) Any nominated member may resign from his office by writing under his hand addressed to the Chairman of the Finance Committee and his resignation shall take effect from such date it is accepted by the Chairman of the Finance Committee.

**Powers and  
functions of  
finance  
committee.**

**20.** Subject to other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-

- (i) to examine the annual accounts and annual budget estimates of the University, its schools or institutions or centers and advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendations to the Board on all financial policy matters of the University;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine all proposals relating to the revision of pay-scales, up gradation of the scales and those items which are not included in the budget prior to placing before the Board;
- (viii) to approve the expenditure of the University to the extent and manner as may be prescribed;
- (ix) to decide the principles of financial delegation and recommend to the Board;
- (x) to decide the principles of procurement process and recommend to the Board; and
- (xi) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

**Director  
General.**

**21.** (1) The Director General shall be appointed by the Chairman with the prior approval of the State Government, through a process wherein the Board shall recommend a panel comprising of up to three names based on the recommendations of a Search-cum-Selection Committee constituted by the Board in the manner as may be prescribed by regulations.

(2) The Director General shall be an eminent educationalist or technologist or scientist or administrator having vision for science, technology, research and innovation; and be associated with education, philanthropy, research and development or administration in the State services, corporations or public bodies.



(3) The Director General shall preside over the meetings of the Academic Council and the Finance Committee.

(4) The term of office of the Director General shall be for a period of five years or till he attains the age of sixty-five years, whichever is earlier.

(5) Whenever any vacancy occurs in the office of the Director General and it cannot be conveniently and expeditiously filled up in accordance with the provisions of sub-sections (1) and (2) and if there is any emergency, the Board may appoint any suitable person to perform duties of the Director General and may, from time to time, extend the term of such person for a period not exceeding one year.

(6) The Director General may resign from his office by writing under his hand addressed to the Chairman of the University and his resignation shall take effect from such date when it is accepted by the Board.

(7) Notwithstanding anything contained in any other clauses of this section, the Chairman may on recommendation of the Board, remove from the office the Director General if he –

- (i) is adjudged an insolvent; or
- (ii) has been convicted of an offence which, in the opinion of the Board, involves moral turpitude; or
- (iii) engages during his term of office in any paid employment outside the duties of his office; or
- (iv) is, in the opinion of the Board, unfit to continue in office by reason of infirmity of mind or body; or
- (v) has acquired such financial or other interest as is likely to affect prejudicially his functions as the Director General.

(8) The other terms and conditions of the services of the Director General shall be such as may be prescribed by the Board.

**22.** Without prejudice to the generality of the provisions of this Act, the Director General shall: -

- (i) exercise general supervision and control over the day to day affairs of the University;
- (ii) preside over at the meetings of the Academic Council and the Finance Committee;

**Powers and  
functions of  
Director  
General.**



- (iii) ensure implementation of the decisions of the authorities of the University;
- (iv) ensure that the provisions of this Act and the regulations are faithfully followed;
- (v) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (vi) exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the regulations or as may be delegated to him by the Board or by the Chairman or any committee of the University.

**Emergency powers of Director General.** **23.** (1) Where any matter is of urgent nature requiring immediate action and the same cannot be immediately dealt with by the authority or body of the University empowered, under this Act to deal with it, the Director General may take such action as he may deem fit and shall forthwith report the action so taken by him to the authority or body of the University who or which, in the ordinary course, would have dealt with the matter:

Provided that if such authority or other body is of the opinion that such action ought not to have been taken by the Director General, it may refer the matter to the Board which may either confirm the action taken by the Director General or the same or modify it in such manner as it thinks fit, and thereupon the action shall cease to have effects or, as the case may be, shall take effect in such modified form so however such modification or annulment shall be without prejudice to the validity of anything previously done by or under the order of the Director General.

(2) Where the exercise of the power by the Director General under subsection (1) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment in accordance with the provisions of this Act and the regulations, not later than six months from the date of order of the Director General, otherwise such appointment shall cease to have effect on the expiration of a period of six months from the date of order of the Director General.

**Registrar.** **24.** (1) The Registrar shall be appointed by the Board in such manner and on such terms and conditions as may be prescribed.

(2) The Registrar shall: -

- (i) be responsible for the custody of records, common seal, the funds of the University and such other property of the University;

- (ii) place before the Board and other authorities of the University, all such information and documents as may be necessary for transaction of its business;
- (iii) be responsible to the Director General for the proper discharge of his functions;
- (iv) be responsible for the administration and services of the University; and conduct the examinations and make all other arrangements necessary thereof and be responsible for the execution of all processes connected therewith;
- (v) attest and execute all documents on behalf of the University;
- (vi) verify and sign the pleadings in all suits and other proceedings by or against the University and all the processes in such suits and proceedings shall be issued to and served on the Registrar; and
- (vii) exercise such other powers and perform such other duties as may be assigned to him by or under this Act, the regulations or as may be delegated to him by the Board or the Director General or any of the authority of the University.

**25.** (1) The Directors of the University or Institute or School or Center shall be appointed by the Director General, with the approval of the Board in such manner and on such terms and conditions as may be prescribed. **Directors.**

(2) The qualifications and other terms and conditions of the Directors shall be such as may be prescribed by the regulations.

(3) The Directors shall assist the Director General in managing the academic, administrative and other affairs of the University Departments, University Schools and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Director General.

**26.** (1) The Director General, with the approval of the Board, shall appoint the Deans of the University from amongst the faculties of the University. **Deans.**

(2) The Deans shall assist the Director General and respective Directors of University Schools in managing the academic and other affairs of the University, University Schools and shall exercise such powers and perform such functions as may be prescribed or entrusted to them by the Director General.

**Delegation of powers.** 27. Subject to the provisions of this Act and regulations, any officer or authority of the University may, by order, delegate his or its powers (except the power to make regulations) to any other officer or authority under his or its control.

**Conferment of degrees, diplomas and honorary degrees, grant of certificates by University.** 28. Notwithstanding anything contained in any other State law for the time being in force, the University shall have powers to confer degrees, diplomas, honorary degrees, grant certificates and other academic distinctions or titles as approved by the Board on such terms and conditions, as may be prescribed.

**Withdrawal of the degree or diploma and other academic distinction.** 29. Notwithstanding anything contained in the Act, the University shall have power to withdraw degrees, diplomas, certificates and other academic distinctions for good and sufficient reasons.

#### CHAPTER IV FINANCE AND ACCOUNTS

**University Fund.** 30. (1) The University shall establish and maintain a Fund to be called the University Fund consisting of –

- (i) any contribution or grants or loans by the State and the Central Government;
- (ii) the income of the University from all sources including income from fees and other charges;
- (iii) all moneys received by the University by way of grants, loans, gifts, donations, benefactions, bequests, transfers or endowments and other grants, if any;
- (iv) all moneys received by the University from the collaborating industry in terms of the provisions of the Memorandum of Understanding entered between the University and the industry, for establishment of the sponsored chairs, fellowships or infrastructure facilities of the University; and
- (v) the moneys received by the University in any other manner or from any other sources.

(2) All moneys credited to the fund of the University shall be deposited in such Banks or the surplus fund shall be invested in such manner as the Board, on the recommendation of the Finance Committee, decides from time to time.

(3) The University Fund shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions under this Act.

(4) No money from the University shall be spent except as otherwise provided for meeting its objectives.

**31.** (1) The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the income and expenditure and the balance sheet, in such form and in such manner as may be prescribed.

**Accounts, audit and annual report.**

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its financial, accounting and auditing functions as may be prescribed.

**38 of 1949.** (3) The accounts of the University shall be audited every year by an auditor, who shall be a Chartered Accountant or a firm of Chartered Accountants as defined in the Chartered Accountants Act, 1949 to be appointed by the Board.

(4) The accounts of the University certified by the person or firm so appointed or any other person authorized in this behalf together with the audit report thereon shall be placed before the Board and the Board may issue such instructions and directions to the Director General in respect thereof as it deems fit and the Director General shall comply with such instructions and directions.

(5) The accounts of the University shall be audited by an internal auditor who shall be Chartered Accountant or a firm of Chartered Accountants appointed by the Board, to ensure concurrent audit of all books of accounts and such periodic internal audit reports shall be placed before the Board for review.

(6) The University shall prepare for each financial year an annual report containing such particulars as the Board may specify and submit the same to the Board on or before such date as may be prescribed. The Board shall consider such report and may pass resolutions thereon.

(7) The copy of the annual report along with the resolution of the Board thereon shall be submitted to the State Government.

**32.** (1) The University shall, with the approval of the Board, constitute for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be prescribed, such

**Pension, provident fund and insurance.**

schemes of pension, provident fund and insurance as it may deem fit, and also aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to the benefit of the officers, teachers and other employees of the University.

19 of 1925. (2) Where any such provident fund has been constituted, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

## CHAPTER V MISCELLANEOUS

Act and  
proceedings  
not to be  
invalidated by  
vacancies.

33. No act or proceedings of the Board or any authority of the University or any committee constituted under this Act or by regulations shall be questioned on the ground merely of the existence of any vacancy in or defect of, in the constitution of such Board, authority or committee of the University.

Return and  
information.

34. The University shall furnish to the State Government, University Grants Commission and other statutory authorities, such reports, returns, statements and other information as may be required by them from time to time.

Officers and  
employees to be  
public servant.

35. Every officer, teacher and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

**Explanation:** - For the purpose of this section, any person, who is appointed or, as the case may be, nominated by the University for a specified period or a specified work of the University or, who received any remuneration by way of allowances or fee for any work done from the University Fund, shall be deemed to be an officer or employee of the University while he is performing the duties and functions connected with such appointment of work.

Dismissal,  
removal,  
reduction or  
termination of  
services of staff of  
University.

36. (1) No officer or employee or member of the teaching, non-teaching and other academic staff of the University shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(2) An appeal against an order of dismissal, removal or reduction in rank under sub-section (1) or of termination of service shall be made to the Chairman within ninety days from the date of communication of such order and the decision of the Chairman in such appeal shall be final.

**37.** The State Government shall have power to issue directions from time to time as may be required for compliance of the provisions of this Act, the regulation made thereunder and any other law for the time being in force and the University shall be bound to comply with such directions. **Power to give directions.**

**38.** (1) Subject to the provisions of this Act, the Board shall have, in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University. **Power to make regulations.**

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely: -

- (i) the summoning and holding of meetings of the authorities of the University, other than the first meeting of the Board, and the quorum and conduct of business at such meeting;
- (ii) the other powers and functions to be exercised and discharged by the Chairman, Director General, Directors and Deans and other officers of the University;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and removal of members thereof and other matters connected therewith;
- (iv) the other powers and functions to be exercised and discharged by the Advisory Council, Academic Council, Finance Committee and other authorities which may be constituted;
- (v) to approve the expenditure of the University to the extent and in the manner by the Finance Committee;
- (vi) the procedure to be followed by the Board and any Committee or other body constituted by or under this Act in the conduct of the business, exercise of the powers and discharge of the functions;
- (vii) the procedures and criteria to be followed establishing courses of study and admission of students;
- (viii) the procedure to be followed for enforcing discipline in the University;

- (ix) the management of the properties of the University;
- (x) the degrees, diplomas, certificates and other academic distinctions or titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions or titles and the requirements thereof; and to confer honorary degrees or other distinctions in the prescribed manner;
- (xi) the conduct of examinations including the term of office and appointment of examiners, controller of examination;
- (xii) the creation of posts of Directors, Professors, Associate Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefore;
- (xiii) the fees and other charges to be paid to the University for the courses, training, facilities and services provided by it;
- (xiv) the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefits of officers, teachers and other employees of the University;
- (xv) the terms and conditions for association of the University with other institutions;
- (xvi) the preparation of budget estimates and maintenance of accounts;
- (xvii) the mode of execution of contracts or agreements by or on behalf of the University;
- (xviii) the classification and procedure for appointment of officers, employees and other staff of the University;
- (xix) the terms, conditions and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Director General, Director, officers, teachers and other employees of the University;
- (xx) the terms and conditions governing deputation of officers, teachers and other employees of the University;
- (xxi) the powers and duties of the Director General, Director and other officers, teachers and employees of the University;
- (xxii) the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;
- (xxiii) the authentication of the orders and the decisions of the Board;
- (xxiv) the matters relating to hostels and halls of residence and housing for faculties, officers and employees; guest house, library, reading rooms, sporting facilities, medical and



health facilities, facilities for benefit of students and of officers of the University including disciplinary control therein; and

(xxv) all matters which, by this Act, are to be or may be prescribed.

**39.** No suit, prosecution or other legal proceeding shall lie against and no damage shall be claimed from the University, the Chairman, the Director General, the Directors, the authorities or officers or employees of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any regulations made thereunder. **Indemnity**

**40.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing difficulties. **Power to remove difficulties.**

Provided that no such order shall be made under this section after the expiry of five years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

## CHAPTER VI TRANSITORY PROVISIONS

**41.** Notwithstanding anything contained in sections 10 and 12, the State Government shall appoint the first Chairman and other members of the Board, as soon as practicable after the commencement of this Act for a period not exceeding three years on such terms and conditions as the State Government thinks fit, who shall exercise all the powers and discharge all the functions of the Board. **Appointment of first Chairman and members of the Board.**

**42.** (1) Notwithstanding anything contained in section 21, for a period of not exceeding three years immediately after coming in to force of this Act, the State Government shall have the power of appointing the first Director General on such terms and conditions as the State Government thinks fit, and such appointed person shall exercise all the powers and discharge all the functions of the Director General. **Appointment of first Director General.**

(2) The first Director General may, with the prior approval of the first Chairman and subject to availability of the funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the regulations made thereunder and for that



purpose, may exercise any powers or perform any duties which by or under this Act and regulations made thereunder are to be exercised or performed by any authority of the University until such authority comes into existence in accordance with the provisions of this Act and the regulations made thereunder.

**Appointment of first Registrar.** **43.** Notwithstanding anything contained in section 24, the State Government shall have the power of appointing the first Registrar for a period of not exceeding three years after the commencement of this Act on such terms and conditions as the State Government thinks fit, and such appointed person shall exercise the powers and discharge the functions of the Registrar.

**Appointment of first Chairman and other members of Advisory Council.** **44.** Notwithstanding anything contained in section 17, the State Government shall appoint the first Chairman and other members of the Advisory Council for a period of three years, on such terms and conditions as the State Government thinks fit, who shall exercise all the powers and discharge all the functions of the Advisory Council.

### STATEMENT OF OBJECTS AND REASONS

Biotechnology is an area of applied sciences with high innovation potential. The tools of biotechnology are providing solutions to the challenges faced by mankind in a resource scarce world. It is a promising area of strategic investment for the creation of knowledge driven ecosystem, economic wealth and highly skilled resources. Some of the globally top ranking disruptive technologies in the field of environmental remediation, advanced materials, industrial processes and life sciences have Biotechnology Interventions.

Gujarat has been one of the pioneering policy driven state fostering growth of biotechnology through proactive governance, institutional development, sound infrastructure, investment promotion and industry friendly initiatives. To boost the growth of biotechnology industry in the State, there is a need for product pipeline and demand for scientific manpower trained in advanced tools and techniques of biotechnology. The current approach and institutional framework in the state prepares biotechnologists based on a course work driven curriculum which prepares the students for industrial jobs. However, the value proposition of biotechnology as a sector in global technology development landscape and in its innovation contribution capability lies in the ability of biotechnologists in undertaking product development through applied knowledge of biotechnology toolkits and skillsets.

Applied technology and product development focus at institutional level requires a very different approach in teaching methodology as well as in curriculum and also requires an ecosystem approach. A strong academic industry collaborative environment and continuous innovations, entrepreneurial ecosystem and project based learning are hallmarks of global institutions of repute which have succeeded in driving innovations at their campuses.

To bridge this gap between two different models of curriculum in the area of biotechnology and to provide a platform for research based education, it is considered necessary to have a dedicated autonomous University for the said purpose.

This University will be a world class research focused academic institution and a foundry of translational knowledge in partnership with institutions of national and global repute, which will train and prepare biotech scientists in cutting edge, product focused research to create and deliver a strong pipeline of innovative products for future India. It will ensure a continuous flow of professionally trained manpower and will function as a leading resource centre for knowledge and development in the areas of biotechnology and allied sciences. This university shall help in development of a scholarly model of technology leadership using the tools of Biotechnology.

It is, therefore, considered necessary to establish 'The Biotechnology University' as an autonomous University in the state by enacting a law.

The Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain in brief, some of the important provisions of the Bill:-

- Clause 1.* - This clause provides for short title and commencement.
- Clause 2.* - This clause defines certain terms used in the Bill.
- Clauses 3 to 5.* - These clauses provide for the establishment, incorporation of the University and also objects and headquarters of the University.
- Clause 6.* - This clause provides for universal access without any kind of discrimination.
- Clause 7.* - This clause provides for the powers and functions of the University.
- Clauses 8 and 9.* - These clauses relate to authorities and officers of University
- Clauses 10 and 11.* - These clauses provide for the appointment of the Chairman of the University and his powers.
- Clauses 12 to 14.* - These clauses relate to the constitution of the Board of Governors and its powers and functions; the term of office and provisions for allowances of the members of the Board.
- Clauses 15 and 16.* - These clauses provide for the constitution and powers and functions of the Academic Council.
- Clauses 17 and 18.* - These clauses provide for the constitution and powers and functions of the Advisory Council.
- Clauses 19 and 20.* - These clauses provide for the constitution of the Finance Committee and its powers and functions.
- Clauses 21 and 22.* - These clauses provide for appointment of the Director General of the University, his removal from the post in certain circumstances by the Chairman and Director General's powers and functions.
- Clauses 23.* - This clause provides for emergency powers of the Director General of the University.
- Clauses 24.* - This clause provides for appointment of the Registrar of the University and his powers and functions.
- Clauses 25.* - This clause provides for the appointment of the Directors of the University and its Schools, Institutes or Centres and their powers and functions.
- Clauses 26.* - This clause provides for the appointment of the Deans of the University and their powers and functions.
- Clauses 27.* - This clause provides for the delegation of powers by any officer or authority of the University to any other officer or authority under his or its control.
- Clauses 28 and 29.* - These clauses provide for the power of the University for conferment of degrees and diplomas and grant of certificates and for withdrawal of degrees and diplomas or other academic distinctions.

- Clauses 30.* - This clause provides for the fund of the University.
- Clauses 31.* - This clause provides for the preparation and maintenance of accounts and other relevant records, annual statement of accounts, proper system of internal checks and balances and control over financial and accounting matters, concurrent audit, internal audit, regular audit of accounts, and preparation of annual report.
- Clauses 32.* - This clause provides for pension, provident fund and insurance of officers, teachers and other employees of the University.
- Clauses 33.* - This clause provides for validity of acts and proceedings done or undertaken by board, authority or committee of the University despite any vacancy or any defect.
- Clauses 34.* - This clause provides for furnishing of the returns and information to the State Government, University Grants Commission and other statutory authorities.
- Clauses 35.* - This clause provides that the officers, teachers and employees of the University shall be deemed to be the public servants.
- Clauses 36.* - This clause provides for dismissal, removal, reduction and termination of service of staff of the University.
- Clauses 37.* - This clause provides for the power of the State Government to give directions to the University as may be required from time to time.
- Clauses 38.* - This clause empowers the Board to make regulations to provide for the administration and management of the affairs of the University.
- Clauses 39.* - This clause provides for indemnity for action taken by the University or any of its authorities, officers or other employees in good faith.
- Clauses 40.* - This clause provides for the power of the State Government to remove difficulties arising within five years from the date of commencement of the Act.
- Clauses 41 to 44.* - These clauses provide for the power of the State Government to appoint the Chairman, members of the Board, Registrar of the University, Chairman of Advisory Council and members of the Advisory Council for a period of three years and to appoint the Director General for a period of five years as soon as practicable after the commencement of this Act.

**BHUPENDRASINH CHUDASAMA,**

### FINANCIAL MEMORANDUM

Sub-clause (I) of clause 30 of the Bill contemplates the payment of contribution of the grant to the University among others by the State Government. The Bill, if enacted and brought into operation, would not involve any expenditure during the current financial year of 2018-19. The university will start its operation from the next financial year 2019-20. In the next financial year 2019-20, appropriate budgetary provision will be made through a new item.

This will include expenditure on purchase of land, construction of building, procurement of equipments, furniture, fixtures, vehicles etc. as capital expenditure and recurring expenditure in the form of salary of the staff, consumables, fees and other charges to be paid for the courses, training, facilities and services etc.

### BHUPENDRASINH CHUDASAMA, MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

- Clause 1.** - Sub-clause (2) of this clause empowers the State Government to appoint by notification in the Official Gazette, the date on which the Act shall come into force.
- Clause 4.** - This clause empowers the State Government to specify the headquarter of the university.
- Clause 5.** - Sub-clause (vii) of this clause empowers the State Government to specify by notification in the Official Gazette such other objects of the University.
- Clause 7** - These clauses provide different powers for functions of the university as stated in the bill along with the following:
  - (i) Sub-Clause (iv) of this clause empowers the Board to prescribe by regulations, the course of study and the curricula;
  - (ii) sub-clause (v) of this clause empowers the Board to determine by regulations, the conditions subject to which the University may confer degrees and diplomas and to grant certificates and other academic distinctions of titles; It also empowers the Board to prescribe by regulations the manner in which the University may withdraw or cancel any such degree, diploma or certificate conferred or granted by it;
  - (iii) sub-clause (vi) empowers the Board to prescribe by regulations, the manner in which the University may confer honorary degrees or other academic distinctions;
  - (iv) sub-clause (xvii) empowers the Board to prescribe

by regulations to fix the fees and such other charges;  
(v) sub-clause (xxv) empowers the Board to prescribe by regulations, the manner in which the students shall be admitted to the courses offered by the University;  
(vi) sub-clause (xxvii) empowers the Board to prescribe by regulations, the disciplinary measures to be taken against the officers and the employees of the University;  
(vii) sub-clause (xxviii) empowers the Board to prescribe by regulations, the qualifications for appointment of the persons to be appointed on the post of teaching, academic or research and other post of the University.

- Clause 8.** - Sub-clause (vi) of this clause empowers the Board to declare by Regulations, such other authorities to be the authorities of the University.
- Clause 9.** - Sub-clause (vi) of this clause empowers the Board to declare by Regulations, such other persons to be the officers of the University.
- Clause 10.** Sub-clause (3) of this clause empowers the State Government to determine the other terms and conditions on which the Chairman of the University shall be appointed.
- Clause 11.** - Sub-clause (2) of this clause empowers the Board to prescribe by regulations, such other powers to be exercised and such other duties to be performed by the Chairman.
- Clause 13.** - (i) para (iv) of sub-clause (2) of this clause empowers the Board to make regulations for carrying out the purposes of the Act;  
(ii) para (xi) of sub-clause (2) of this clause empowers the Board to prescribe by Regulations, the other powers which may be exercised and the other duties which may be performed by the Board to achieve the objects of the University.
- Clause 15.** - Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which the Academic Council shall exercise such other powers and perform such other duties as may be conferred or imposed upon it.
- Clause 20.** - Sub-clause (viii) of this clause empowers the Board to prescribe by regulations, the manner in which the Finance Committee shall exercise such other powers and perform such other duties as may be conferred or imposed upon it
- Clause 21.** - (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the process by which a panel for recommendation for the appointment of the Director General be prepared;  
(ii) sub-clause (8) of this clause empowers the Board to prescribe by regulations, the other terms and conditions of services of the Director General.
- Clause 22.** - Sub-clause (vi) of this clause empowers the Board or the chairman or any other committee to prescribe by regulations, such other powers to be exercised and such other duties to be performed by the Director General.



- Clause 24.** - (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which and the terms and conditions on which the Registrar shall be appointed;  
(ii) para (vii) of sub-clause (2) of this clause empowers the Board to prescribe by regulations, such other powers to be exercised and such other duties to be performed by the Registrar.
- Clause 25.** - (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which and the terms and conditions on which the Directors of University School or Institute or Centre shall be appointed;  
(ii) sub-clause (2) empowers the Board to prescribe by regulations, the manner in which the Directors of University School or Institute or Centre shall exercise such other powers and perform such other functions.
- Clause 26.** - Sub-clause (2) of this clause empowers the Board to prescribe by regulations, the manner in which the Deans of the respective faculties shall exercise such other powers and perform such other functions.
- Clause 27.** - This clause empowers any officer or authority of the University subject to the provisions of the Act or any regulations to delegate by order, his or its powers (except the power to make regulations) to any other officer or authority under his or its control.
- Clause 28.** - This clause empowers the Board to prescribe by regulations, the terms and conditions on which the University shall confer degrees, diplomas, honorary degrees, grant certificates and other academic distinctions and titles.
- Clause 29.** - This clause empowers the Board to prescribe by regulations, the good and sufficient reasons for which the University shall withdraw degrees, diplomas, certificates and other academic distinctions.
- Clause 31.** - (i) Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which proper accounts, other relevant records, annual statement of accounts, the income and expenditure statement and balance sheet shall be maintained;  
(ii) sub-clause (2) empowers the Board to prescribe by regulations, the manner in which the University shall discharge its functions of internal checks and balances and control over financial, accounting and auditing matters;  
(iii) sub-clause (6) empowers the Board to prescribe by regulations, the date on or before which annual report containing such particulars shall be submitted to the Board.
- Clause 32.** - Sub-clause (1) of this clause empowers the Board to prescribe by regulations, the manner in which and conditions subject to which the University shall constitute such schemes of pension, provident fund and insurance.

- Clause 38.** - Sub-clause (1) of this clause empowers the Board to make regulations for administration and management of affairs of the University; and sub-clause (2) empowers the Board to make regulations for all or any of the matters specified therein.
- Clause 40.** - This clause empowers the State Government to make by an order published in the Official Gazette, such provisions not inconsistent with the provisions of the Act, to remove any difficulty arising within the first five years, as appear to be necessary or expedient for removing the difficulty.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Date the 15<sup>th</sup> September, 2018.

**BHUPENDRASINH CHUDASAMA.**

By order and in the name of the Governor of Gujarat,

**K. M. Lala,**

Gandhinagar,

Dated the 15<sup>th</sup> September, 2018.

Secretary to the Government of Gujarat,

Legislative and Parliamentary  
Affairs Department.

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# The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

## PART V

### Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

### THE GUJARAT SALARIES AND ALLOWANCES OF MEMBERS, SPEAKER AND DEPUTY SPEAKER OF THE GUJARAT LEGISLATIVE ASSEMBLY, MINISTERS AND LEADER OF THE OPPOSITION LAWS (AMENDMENT) BILL, 2018.

GUJARAT BILL NO. 43 OF 2018.

### A BILL

*further to amend the laws relating to salaries and allowances of Members,  
Speaker and Deputy Speaker of the Gujarat Legislative Assembly,  
Ministers and Leader of the Opposition.*

It is hereby enacted in the Sixty-ninth Year of the Republic of India as follows:--

1. (1) This Act may be called the Gujarat Salaries and Allowances of Members, Speaker and Deputy Speaker of the Gujarat Legislative Assembly, Ministers and Leader of the Opposition Laws (Amendment) Act, 2018. **Short title and commencement.**

(2) It shall be deemed to have come into force on the 22<sup>nd</sup> December, 2017.

- Amendment of certain enactments.** 2. The enactments specified in column 2 of the Schedule shall be amended to the extent and in the manner specified in column 3 of the said Schedule.

## SCHEDULE

( See section 2 )

No.	Name of the enactment.	Extent of amendments.
1	2	3
1.	<b>The Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 (Guj. II of 1960).</b>	<p>1. For section 3, the following section shall be substituted, namely:-</p> <p style="margin-left: 40px;"><b>Salaries to be paid to Members and dearness allowance.</b></p> <p style="margin-left: 40px;">“3. (1) There shall be paid to each Member during the whole of his term of office, a basic salary per month at the rate of minimum basic pay payable to the Deputy Secretary of the State Government in Sachivalaya.</p> <p style="margin-left: 40px;">(2) There shall be paid to each Member during the whole of his term of office per month, the dearness allowance on the amount of the basic salary referred to in sub-section (1) at such rate as is being paid to the employees of the State Government from time to time.”.</p> <p>2. In section 4, in clauses (a) and (b), for the figures "200", the figures "1,000" shall be substituted.</p> <p>3. In section 6A, for sub-section (2), the following shall be substituted, namely:-</p> <p style="margin-left: 40px;">“(2) There shall be paid to every member a sum of Rs.7,000 per month to meet with the telephone expenses including that of the mobile phone.”.</p> <p>4. In section 8,--</p> <p style="margin-left: 40px;">(1) in sub-section (2), for the figures "3,000", the figures "20,000" shall be substituted;</p> <p style="margin-left: 40px;">(2) in sub-section (5A), for the figures "3,000", the figures "5,000" shall be substituted.</p>

2. **The Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960 (Guj. III of 1960).**
1. For section 3, the following section shall be substituted, namely:-
 

<b>Salary and dearness allowance of Speaker.</b>	<p>“3. (1) There shall be paid to the Speaker 25 % more basic salary per month than the basic salary payable to a Member of the Assembly by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.</p> <p>(2) There shall be paid to the Speaker during the whole of his term of office per month the dearness allowance on the amount of the basic salary referred to in sub-section (1) at such rate as is being paid to the employees of the State Government from time to time.”.</p>
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  2. In section 3A, for the figures "7,000", the figures "20,000" shall be substituted.
  3. Section 3B shall be deleted.
  4. In section 5, in sub-section (2), for the figures "4,000", the figures "7000" shall be substituted.
  5. For section 10, the following section shall be substituted, namely:-
 

<b>Salary and dearness allowance of Deputy Speaker.</b>	<p>“10. (1) There shall be paid to the Deputy Speaker 25 % more basic salary per month than the basic salary payable to a Member of the Assembly by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.</p> <p>(2) There shall be paid to the Deputy Speaker during the whole of his term of office per month the dearness allowance on the amount of the basic salary referred to in sub-section (1) at such rate as is being paid to the employees of the State Government from time to time.”.</p>
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  6. In section 10A, for the figures "7,000", the figures "20,000" shall be substituted.
  7. Section 10B shall be deleted.

8. In section 12C, in sub-section (3), for the figures "4,000", the figures "7,000" shall be substituted.

**3. The Gujarat Ministers' Salaries and Allowances Act, 1960 (Guj. VI of 1960).**

1. For section 3, the following section shall be substituted, namely:-

**Salaries and dearness allowance of Ministers and Ministers of State.**

“3. (1) There shall be paid to the Minister 25 % more basic salary per month than the basic salary payable to a Member of the Assembly by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.

(2) There shall be paid to the Minister during the whole of his term of office per month the dearness allowance on the amount of the basic salary referred to in sub-section (1) at such rate as is being paid to the employees of the State Government from time to time.”.

2. In section 3A, for the figures "7,000", the figures "20,000" shall be substituted.

3. Section 3B, shall be deleted.

4. In section 5, in sub-section (2), for the figures "4,000", the figures "7,000" shall be substituted.

5. For section 6, the following section shall be substituted, namely:-

**Salaries and dearness allowance of Deputy Ministers.**

“6 (1) There shall be paid to the Deputy Minister 25 % more basic salary per month than the basic salary payable to a Member of the Assembly by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.”.

(2) There shall be paid to the Deputy Minister during the whole of his term of office per month the dearness allowance on the amount of the basic salary referred to in sub-section (1) at such rate as is being paid to the employees of the State Government from time to time.”.

6 In section 6A, for the figures "7,000", the figures "20,000" shall be substituted.

7. Section 6B shall be deleted.

8. In section 8, in sub-section (2), for the figures "4,000", the figures "7,000" shall be substituted.

**4. The Gujarat Legislative Assembly (Leader of the Opposition) Salary and Allowances Act, 1979 (Guj. 16 of 1979).**

1. For section 3, the following section shall be substituted, namely:-

**Salary and dearness allowance of Leader of Opposition.**

“3. (1) There shall be paid to the Leader of the Opposition 25 % more basic salary per month than the basic salary payable to a Member of the Assembly by virtue of the provisions of sub-section (1) of section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.”.

(2) There shall be paid to the Leader of the Opposition during the whole of his term of office per month the dearness allowance on the amount of the basic salary referred to in sub-section (1) at such rate as is being paid to the employees of the State Government from time to time.”.

2. In section 3A, for the figures "7,000", the figures "20,000" shall be substituted.

3. Section 3B shall be deleted.

4. In section 5, in sub-section (2), for the figures "4,000", the figures "7,000" shall be substituted.

5. In section 8, in sub-section (2), for the figures “1,000”, the figures “10,000” shall be substituted.

### STATEMENT OF OBJECTS AND REASONS

Members of the Legislative Assembly, Speaker and Deputy Speaker, Ministers of the State and the Leader of the Opposition draw their salaries and allowances in accordance with the provisions contained in the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960; Gujarat Legislative Assembly (Speaker and Deputy Speaker) Salaries and Allowances Act, 1960; Gujarat Ministers' Salaries and Allowances Act, 1960 and the Gujarat Legislative Assembly (Leader of the Opposition) Salaries and Allowances Act, 1979 respectively.

Section 3 of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 inter-alia provides that the Members shall be paid salary per month at the rate of minimum basic pay payable to Class-I officers in the lower rung of the State Government. In addition to this, the Members are paid consolidated allowances on the aggregate amount of pay, cost of Telephone Charges, services of Personal Assistants and postal and Stationery Charges at the rate of dearness allowance applicable to the employees of the State Government. The salaries and allowances of the Members and all other dignitaries were revised way back in 2005 and there has been no revision in salary of the MLAs and Dignitaries since then. In view of this, it has been considered necessary to revise the salaries and allowances of the Members of the Assembly as also of the other dignitaries. Accordingly it is proposed to pay the Members the salaries per month at the rate of minimum basic pay payable to the post of Deputy Secretary of the State Government. It is also proposed to do away with the provision regarding payment of consolidated allowance on the aggregate amount of pay, cost of Telephone Charges, services of Personal Assistants and Postal and Stationery Charges and instead it is proposed to pay the dearness allowance on the basic pay as per the rate of dearness allowance applicable to the employees of the State Government. It is also proposed to raise the amount of other allowances payable to the Members.

At present, the salary of the Speaker, Deputy Speaker, Ministers and Leader of the Opposition is so fixed under the relevant Acts that they get 25% more basic salary than what the Members of the Assembly get. However, now, in case of these dignitaries, a specific provision is proposed to the effect that they would get 25% more basic salary than what the Members of the Assembly get. It is also proposed to raise the amount of other allowances for these dignitaries.

It is, therefore, proposed to amend the relevant provisions of the above said Acts so as to revise the aggregate salary and allowances of the Members and other dignitaries.

This Bill seeks to amend the laws relating to salaries and allowances of the Members, the Speaker and the Deputy Speaker of the Gujarat Legislative Assembly and also the Ministers and Leader of the Opposition to achieve the aforesaid objects.

**PRADEEPSINH JADEJA,**

**FINANCIAL MEMORANDUM**

The provisions of the Bill, if enacted and brought into operation, would involve an additional annual expenditure of approximately Rs. 16,52,75,000/- on account of revision of the amount of salary and allowances payable to the MLAs and other dignitaries from the Consolidated Fund of the State, for the financial year 2018-19. Out of which Rs. 10,02,75,000/- would be of recurring and Rs. 6,50,00,000/- would be of non-recurring in nature.

Dated the 18<sup>th</sup> September, 2018.

**PRADEEPSINH JADEJA.**

By order and in the name of the Governor of Gujarat,

Gandhinagar,

Dated the 18<sup>th</sup> September, 2018.

**K. M. Lala,**

Secretary to the Government of Gujarat,  
Legislative and Parliamentary  
Affairs Department.

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